

1           UNITED STATES GOVERNMENT  
2           ENVIRONMENTAL PROTECTION AGENCY

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12   PUBLIC COMMENT ON CERTIFICATIION OF WASTE ISOLATION

13           PILOT PROJECT

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15           SANTA FE, NEW MEXICO  
16           THURSDAY JANUARY 8, 1998  
17           EVENING SESSION  
18           7:00 P.M. TO 10:45 P.M.

18

19 EPA PANEL:           RICHARD WILSON  
                          LARRY WEINSTOCK  
20                       FRANK MACINOWSKI

21 MARY KRUGER  
KEITH MATTHEWS

22

23

24

25

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1 PROCEEDINGS

2 SANTA FE, NEW MEXICO, THURSDAY, JANUARY 8, 1998

3 EVENING SESSION

4 MR. WILSON: Good evening, and welcome to the  
5 U. S. Environmental Protection Agency's continuation  
6 of our hearing to receive comments on our proposed  
7 decision to certify that the Department of Energy Waste  
8 Isolation Pilot Plant, known as WIPP, is in compliance  
9 with EPA Radioactive Waste Disposal Standards.

10 My name is Richard Wilson. I'm the Acting  
11 Assistant Administrator for the radiation program at  
12 the Environmental Protection Agency in Washington D.C.

13 I guess first I'll introduce the rest of the  
14 panel. All of us are from the Environmental Protection  
15 Agency in Washington D.C.

16 Larry Weinstock, Frank Marcinowski, and Mary  
17 Kruger, all in the radiation division, working on this  
18 project and other issues, and Keith Matthews from our  
19 General Counsel's office.

20 I won't go through all the background that I  
21 did when we started this afternoon, but just for those  
22 of you who weren't here, I'll mention how the hearing  
23 works. It's an informal hearing, so we don't swear  
24 people or have cross-examination. We just are here to  
25 get your comments on our proposal.

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1       We have had to limit the time each person has  
2 in order to make sure each person had an opportunity to  
3 speak, so individuals have been given five minutes. If  
4 you are representing a group, you have ten minutes. We  
5 have a little timer to help you get a sense of where  
6 you are in terms of the schedule. It will turn green  
7 when you start your testimony, it turns yellow at about  
8 two or three minutes, and then turns red when your time  
9 is up. It's okay if you are over a little or under a  
10 little, but please try to stay roughly on time. We're  
11 going to stay here tonight as late as we need to so  
12 that everyone has a chance to testify who is here who  
13 wants to testify, but if you take longer than your  
14 time, you are really eating into somebody else's time,  
15 so that I encourage you to try to stick to our  
16 schedule. If you have a longer statement than that, we  
17 would be happy to take it and enter it in full in our  
18 record.

19       For those of you who are interested in

20 submitting comments later, our public comment period is  
21 open until February 27. There's information in the  
22 back about where to send the comments to. If you would  
23 like to send comments in writing, in addition to any  
24 testimony or instead of testimony, or in response to  
25 somebody else's testimony, I'd encourage you to do

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1 that. We will read every bit of testimony that we get  
2 and we will review all the testimony we get here, and  
3 all the written comments we get before we make a final  
4 decision on this matter.

5       So your comments tonight and your comments in  
6 writing that you get us by the end of February are  
7 important, and I would encourage you to do that.

8       We thank all of you for coming. As you know,  
9 we started the hearing process Monday in Carlsbad, and  
10 then were in Albuquerque, and came here this afternoon.  
11 We'll be here tonight and most of tomorrow. So we  
12 really appreciate the number of people who have come  
13 out and the comments they have made, and we look  
14 forward to the comments tonight.

15       We had one person, I think, from this  
16 afternoon who wasn't here.

17       Richard Polasi, I think is -- Is he here?

18       (Note: No response.)

19       Okay. We will try again in a minute.

20 Deirdre Boak.

21 MS. BOAK: Are we supposed to use this

22 microphone?

23 MR. WILSON: Yes. I'm sorry.

24 MS. BOAK: My name is Deirdre Boak, and I'm a

25 resident of Santa Fe County. I'd like to comment on

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1 the WIPP certification process.

2 First of all, in a book entitled Uncertainty,

3 Morgan and Henrion quote Cicero as saying:

4 Probability directs the conduct of the wise man.

5 This is very relevant for WIPP certification,

6 because we will never know with perfect certainty about

7 the performance of this system over the next 10,000

8 years. In fact, I think that Morgan and Henrion, who

9 are recognized experts in scientific uncertainty and

10 policy issues, would argue that perfect certainty,

11 i.e., the elimination of all uncertainty, is neither

12 attainable nor desirable. The EPA must make the

13 certification decision on the basis of the reasonable

14 likelihood or probability that TRU waste can be safely

15 isolated for the performance period.

16 As a taxpayer, and with respect to WIPP, I do

17 not want to pay for the collection of information that

18 is not of direct relevance to ensuring either safe,

19 long-term repository performance or operational safety,

20 so knowing the exact contents of waste containers, for  
21 instance, may not be necessary. In fact, we ought to  
22 be working to remove the conservative assumptions made  
23 in the areas of waste characterization and  
24 transportation, because unnecessary conservatism both  
25 costs taxpayers money and adds nothing to their safety.

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1 Conservative assumptions could also seriously constrain  
2 an ability to ship waste to WIPP inappropriately  
3 constraining DOE's ability to solve a system-wide  
4 environmental problem.

5 Another area of concern for many people has  
6 to do with petroleum issues, and I would like to  
7 comment on this. As a former reservoir engineer, it  
8 appears to me the petroleum potential of the WIPP area  
9 has been very significantly overestimated, as has the  
10 potential for human intrusion. The use of fluid  
11 injection has been also overestimated. If the site is  
12 rejected on the basis of the petroleum issues, I think  
13 we will have rejected a sound site for reasons that are  
14 fundamentally unsupportable.

15 Finally, I'm concerned about the ability of  
16 fringe groups to influence the certification process  
17 politically. I recently got a notice from a local  
18 group stating, quote, "EPA has caved in to DOE pressure  
19 and announced its preliminary decision to approve the

20 DOE's WIPP Certification Application."

21       This notice goes on to say that the

22 particular organization has been invited by the

23 Attorneys General of Texas and New Mexico to

24 participate in several lawsuits seeking to stop the

25 opening of WIPP because of safety problems.

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1 I do not believe the EPA has caved in to  
2 anyone. There is a process defined by the regulations  
3 that will get us to the right answer on WIPP safety.  
4 So I ask you not to be swayed by people or arguments  
5 indulging in political power plays. I ask you not to  
6 take costly conservative positions without careful  
7 thought. Please make the certification decision on the  
8 technical issues and the regulatory guidelines.

9 MR. WILSON: Okay. Thank you very much for  
10 your testimony.

11 Next is Jeremy Boak.

12 MR. BOAK: Yes, there is a relationship.  
13 Thank you.

14 My name is Jeremy Boak. I'm a geologist by  
15 training, and I spent five years directing performance  
16 assessments of the potential repository site at Yucca  
17 Mountain for the Department of Energy. I reviewed  
18 performance assessments prepared for WIPP, Yucca  
19 Mountain, and other potential repositories in Sweden,

20 Japan, and Switzerland, and it is my conclusion that  
21 the WIPP performance assessment meets the very high  
22 standards set by the international repository  
23 community, and that the site shows a very high  
24 likelihood of complying with the extremely stringent  
25 requirements set forth in the EPA standards. I urge

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1 the EPA to proceed with all due speed to complete its  
2 evaluation and certify WIPP so that the waste for which  
3 it was constructed can be removed from the vulnerable  
4 above-ground locations they now occupy.

5       During the time I worked on Yucca Mountain, I  
6 had the opportunity to attend a number of workshops on  
7 the EPA standards for disposal of high-level waste and  
8 spent nuclear fuel, which had been remanded at that  
9 time. These workshops were attended by representatives  
10 of the DOE, the NRC, the EPA, as well as contractors,  
11 national laboratories, state agencies, and  
12 environmental groups.

13       At one of those workshops a former employee  
14 of one state agency, formerly employed by the Natural  
15 Resources Defense Council, criticized the Department of  
16 Energy for focusing solely on compliance rather than  
17 attempting to take a scientific approach to defining  
18 safety. In the same session, a lawyer who had been  
19 responsible for the remanding of the EPA regulations

20 pointed out to the many technical experts present that  
21 the regulations were not simply a technical document,  
22 they also were conditioned by legal, as well as  
23 political, considerations. This was appropriate, as  
24 the regulations must be enforceable legally, and must  
25 meet the objectives of the public in whose name the

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1 regulations are generated.

2       This lawyer further made clear that even if  
3 technical evaluation suggested that revision of the  
4 regulations ought to include relaxation of the  
5 requirements, as recommended by EPA's own Science  
6 Advisory Board, any attempt on DOE's part to press for  
7 relaxation would be resisted through legal means on  
8 political grounds. In combination, these  
9 pronouncements made it clear that for the most vocal  
10 environmental group present a scientific answer was  
11 required, but that only one technical answer would be  
12 considered politically correct.

13       Interestingly enough, that lawyer, Dan  
14 Reicher, is currently the DOE Environmental Executive.  
15 Given that he has not advocated withdrawal of the  
16 Department's application for certification of WIPP, it  
17 would appear that he considers it time to proceed with  
18 the regulatory process and to end the costly political  
19 and legal delays which have frustrated efforts to open

20 WIPP for so long.

21       My work in repository siting has also given  
22 me a wide variety of opportunities to examine the  
23 efforts of numerous individuals and organizations who  
24 do wish to stop or delay characterization, licensing,  
25 and operation of deep geologic repositories for nuclear

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1 wastes.

2       A moderate number of thoughtful technical  
3 criticisms have been put forward, many of which have  
4 been subsequently addressed by characterization and  
5 analysis. Unfortunately, a great deal of the criticism  
6 has not been so thoughtful or so well posed  
7 technically. Indeed, it has commonly been  
8 characterized by some or all of the following tactics:

- 9       Repetition of refuted arguments, as if they  
10 had never been refuted;
- 11       demands for "absolute" or complete proof  
12 before acceptance;
- 13       attacks on the opponent's case without  
14 presenting a testable alternative;
- 15       distortion of opponents' arguments;
- 16       profuse citation of documentation without  
17 distinguishing between qualified and unqualified  
18 sources;
- 19       caricaturing the opponent's position to make

20 it look ridiculous;

21 demagogic appeal to emotion rather than

22 reason. Any time you hear reference to Auschwitz of

23 Dachau in these hearings, you can be reasonably sure it

24 is an example of this tactic;

25 the book Science on Trial: The case for

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1 Evolution which poses arguments used by so-called  
2 creation scientists to argue their case.

3       As with the Evolution/Creation controversy, a  
4 very wide scientific consensus of people actively  
5 engaged in finding pragmatic solutions to an existing  
6 question is being frustrated by vocal activists without  
7 a cogent technical case or a reasonable alternative,  
8 and the American public has sometimes responded  
9 favorably to the anti-repository view because the  
10 fringe groups have effectively politicized the  
11 discussion, drawing on the same populist themes that  
12 have put Creation Science into too many classrooms in  
13 this state and the nation. These environmental  
14 fundamentalists are unswayed by technical discussions  
15 of any kind because, as mentioned above, only one  
16 answer is considered acceptable.

17       The time has come to ignore the political  
18 element which Mr. Reicher made clear was vital to the  
19 creation of the regulations, a process which had to

20 balance the constraints of science, the law, and the  
21 popular will. The result satisfied the advocates of  
22 none of the three, I suppose. The Certification of  
23 Compliance of the Waste Isolation Pilot Plant with  
24 those regulations is, however, a matter for technical  
25 evaluation and legal, that is regulatory, analysis

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1 only.

2 I'd like to quote our Secretary of State  
3 Madeleine Albright, in a commencement address she made  
4 at my Alma Mater in commemoration of the announcement  
5 at that same institution of the Marshall Plan to  
6 reconstruct Europe and the European economy.

7 She said: There is no certain roadmap to  
8 success, either for individuals or for  
9 generations. Ultimately, it is a matter of  
10 judgment, a question of choice. In making that  
11 choice, let us remember that there is not a page  
12 of American history of which we are proud that was  
13 authored by a chronic complainer or prophet of  
14 despair. We are doers.

15 The challenge she lays out is, of course,  
16 broader than that facing the EPA regarding WIPP;  
17 however, I think the underlying message is applicable.  
18 The best way to meet her challenge is to move ahead to  
19 be the first nation to dispose of this legacy of the

20 Cold War in the way recommended by the international  
21 scientific community: To accept, with whatever  
22 conditions are warranted by the technical and  
23 regulatory issues you identify, the Application of the  
24 DOE for Certification of the Waste Isolation Pilot  
25 Plant, and to set aside the political assertions of

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1 those whose purpose is simply to continue to delay the  
2 "doing" that is truly an American signature.

3 Thank you very much.

4 MR. WILSON: Thank you.

5 Next, Michael Collins. Michael Collins.

6 Is Michael Collins not here?

7 (Note: No response.)

8 Audrey Curry? Hi.

9 MS. CURRY: I have come to speak tonight  
10 because of my concern regarding the WIPP project.

11 What are my qualifications?

12 MR. WILSON: Could you maybe stand a little  
13 closer to the microphone so everybody could hear?

14 MS. CURRY: Sure.

15 What are my qualifications? Well, I am  
16 neither a scientist nor a politician, but I am also not  
17 a radical Luddite who responds to the complexities of  
18 the world by opposing progress. I'm an educated  
19 citizen, voter, taxpayer, home and business owner, who

20 would like to see our community and state remain a safe  
21 place to live, work and raise a family.

22 Economically, the transportation of  
23 radioactive and other toxic waste through Santa Fe is a  
24 devastating proposition. Property values have already  
25 dropped along the WIPP route before it opened, and an

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1 accident would cripple the entire real estate market,  
2 resulting in the loss of millions of dollars.

3 Tourism, which is another source of income  
4 which Santa Fe depends on, would seriously dwindle in  
5 the event of a radioactive release from a TRUpact  
6 container, resulting in the loss of jobs and business.

7 Is this realistic? Well, when the Valdez  
8 spilled oil in the water off Alaska, tourism dropped by  
9 80 percent.

10 I already know many people who would move  
11 from Santa Fe rather than live with the dangers of  
12 radioactive waste being transported through town.

13 Years ago the DOE did a study which reported  
14 that if the TRUpact containers were transported by  
15 train it would be 70 percent safer than by truck,  
16 partially because it would avoid more populated areas,  
17 yet they choose to transport the waste by truck.

18 The Department of Energy's record of  
19 radioactive waste handling is far from inspiring.

20 Every site the DOE has managed has severely  
21 contaminated the surrounding communities' water, air,  
22 and soil, and unnecessarily exposed millions of people  
23 to radiation over the years. It is a matter of public  
24 record that at Rocky Flats several years ago the DOE  
25 was found in violation of 25 regulations. They were

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1 illegally burning radioactive waste at night, releasing  
2 radioactivity into the air, as well as also dumping  
3 into the local reservoir, which contaminated the water  
4 supply of the people living in the area.

5       It's hard to imagine the DOE would handle the  
6 public's safety with such flagrant disregard, but  
7 examples like this have been the rule not the  
8 exception.

9       I think it is more than a coincidence that  
10 the American Cancer Society recently released  
11 statistics stating one out of every two Americans will  
12 develop cancer. I find it hard to believe the sharp  
13 increase in cancer in Americans over the years is not  
14 at least partially related to the decades of  
15 radioactive exposure the DOE has subjected Americans  
16 to.

17       The DOE is a powerful military agency, and  
18 it's difficult to win against them. They feel their  
19 development of nuclear waste is justified to protect

20 our national security.

21 I'm just a little nervous.

22 MR. WILSON: You're doing fine.

23 MS. CURRY: Thank you.

24 But I feel that my wellbeing is in more

25 danger from the DOE than any foreign threat.

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1 I believe in job security, but not at the  
2 expense of our own safety, health and economy. Isn't  
3 that what the military is supposed to protect? But in  
4 the name of their own job security and so they can  
5 continue getting funding from Congress, the DOE will  
6 sacrifice its own citizens, these same citizens  
7 whose taxes pay for their very existence. It's time to  
8 stop. We can have a strong military without  
9 sacrificing a healthy environment in which to live.

10 Didn't our founding fathers set up a  
11 government to be by the people and for the people? The  
12 majority of the people do not want the WIPP, yet we are  
13 getting it shoved down our throats, regardless of  
14 overwhelming evidence that it is not safe.

15 The Environmental Protection Agency should  
16 not only set strict safety measures but also closely  
17 regulate the action of the DOE.

18 I hope the EPA will review their priorities  
19 and do what their name suggests they do: Protect.

20 Protect the citizens of this nation from the hazards of  
21 radioactivity and the other toxic waste that will be  
22 transported to the WIPP site.

23 MR. WILSON: Thank you very much for your  
24 testimony.

25 I understand Michael Collins is here now. Is

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1 that correct?

2 MR. COLLINS: Yes.

3 MR. WILSON: Good evening.

4 MR. COLLINS: Good evening.

5 My name is Michael -- Can I move this?

6 MR. WILSON: Sure.

7 MR. COLLINS: Excuse me. I was having a

8 little computer trouble. Actually, it was the

9 operator.

10 My name is Michael Collins. I would like to

11 begin by extending greeting and a welcome to the folks

12 from our federal government, EPA, DOE and their

13 contractors.

14 Let me just settle down. I'm a little

15 nervous. I ran over.

16 I work for the state government at the

17 Children, Youth and Families Department in Santa Fe,

18 although I'm not representing any organization. I am a

19 state council member of the Green Party of New Mexico.

20 If you would like to know more about it, the local  
21 phone numbers is GREEN A1.  
22 I trust it is understood that nothing I say,  
23 or maybe I should qualify that, nothing I say is  
24 directed personally against any of you. However, that  
25 said, this is all very personal, about as personal as

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1 you can get, dealing with our air, earth and water, our  
2 skin, lungs, thyroids, our fundamental chromosomes, our  
3 children. Yours, too, and their kids and  
4 greatgrandchildren to the Nth degree. Genetic damage is  
5 pretty permanent.

6 That is why we are very angry and outraged.  
7 It is insane that we are talking potential major toxic  
8 hazards so calmly, as if we were simply discussing some  
9 federal rules and regulations that were promulgated  
10 with a little deadline to submit comments.

11 We are facing a deadline. Nature's. Mother  
12 Earth and her inhabitants can only take so much abuse.

13 WIPP might happen, basically against the will  
14 of the people of New Mexico. We have never had the  
15 democratic opportunity to vote up or down on the issue.  
16 New Mexico and Nevada, the Southwest in general have  
17 been designated as national sacrifice zones, apparently  
18 because -- apparently because there are open spaces and  
19 relatively small populations. Hopefully, not because

20 there are large numbers of Hispanics and Native  
21 Americans that are treated as second class citizens or  
22 Third World countries.  
23 We have repeatedly expressed to the DOE, EPA,  
24 LANL, the State Environment Department, the State  
25 Highway Department and others why WIPP is unsound and

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1 why the DOE or Atomic Energy Commission has proven over  
2 the past 60 years that it is unqualified to operate  
3 such a dangerous operation safely.

4       What is DOE's record regarding environmental  
5 reviews? What proof has been provided to the EPA that  
6 the Carlsbad site will not become just one more of the  
7 100-plus contaminated sites of the AEC, aka DOE? Is  
8 the record of the DOE such that the American people can  
9 feel safe around its projects, vehicles, or containers  
10 exposed to high-speed traffic through New Mexico and  
11 some 20 other states en route to Southern New Mexico?

12       The emergency preparedness is not adequate  
13 throughout the country or in our state. Please check  
14 it.

15       Has the WIPP contractor Westinghouse, or any  
16 other DOE or Department of Defense contractor, ever  
17 experienced radioactive accidents, or have they ever  
18 been cited by the EPA, the Nuclear Regulatory  
19 Commission, the GAO, or any of the other regulatory

20 entities?

21 Please check the health and safety records of  
22 DOE, Westinghouse, and any other WIPP-related  
23 contractors, including trucking companies to be used,  
24 security, emergency response teams at the site and on  
25 the national route, and check all vendors.

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1       Is WIPP the safest, best science we have?  
 2   Could irreparable harm be done to New Mexico, Texas,  
 3   and Mexico, or beyond, forever affecting future use?

4       Water flows within the earth, as you know,  
 5   like blood in the arteries of a living organism. It  
 6   is.

7       Is the EPA, a relatively small, underfunded  
 8   agency, being pressured by DOE, a large, well-funded  
 9   one?

10      Americans are relying on EPA to be the  
 11   citizens' watchdog, as well as the government's, to  
 12   safeguard the health of our families, our children, and  
 13   the environment.

14      When visiting the WIPP site it appears  
 15   relatively isolated, even from Carlsbad or the Pecos  
 16   River. My understanding is plutonium once loose cannot  
 17   easily be retrieved.

18      Logic would dictate that before man spends --  
 19   over a billion dollars were expended of taxpayers'

20 money, yours and mine, EPA would have been an initial  
21 consultant for the certification of the plan to meet  
22 standards.

23 I respect the integrity of the EPA and its  
24 scientists, although we would like to know who  
25 evaluated WIPP. I cannot believe that DOE can expect a

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1 rubber stamp from EPA and its scientists if it is

2 not --

3 MR. WILSON: Your time is up, but if you

4 could finish...

5 MR. COLLINS: Thanks. I appreciate that.

6 MR. WILSON: Thank you.

7 MR. COLLINS: Like a friend once said, "I

8 didn't know when we had free speech, it was only five

9 minutes."

10 MR. WILSON: You do have a statement. We

11 will be happy to put the whole statement in the record.

12 MR. COLLINS: I'll give it to you, for sure.

13 MR. WILSON: Good.

14 MR. COLLINS: -- if it is not truly -- I

15 cannot believe that DOE can expect a rubber stamp from

16 EPA and its scientists if it is not truly meeting the

17 health and safety standards. I trust the standards

18 have not been weakened to accommodate DOE. Like I

19 said, this is not personal.

20 I implore you before making a final decision,  
21 please use caution. Opening WIPP could probably set a  
22 precedent for the irretrievable burying of nuclear  
23 waste in the U.S. and abroad.  
24 We expect you to be no less than honorable  
25 with New Mexico.

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1 I do not like division among people. There  
2 does not have to be an "us or them" approach, or "good  
3 guy/bad guy." We all have too much to do in our life to  
4 continue to be divisive and quarrelsome.

5 You are our sisters and brothers, not the  
6 anonymous "they" from inside the beltway, or in days  
7 past from King George III, "the oppressors."

8 I've got a lot more to ask you about the  
9 recent earthquakes, sociopolitical changes in the next  
10 10,000 years, everything else that is going to happen  
11 in the next 10,000 years.

12 I'll submit a revised version of this, but  
13 here it is for now.

14 I'd like to submit The Reporter article  
15 recently, if it hasn't been submitted for the record.

16 MR. WILSON: Okay. We will be happy to have  
17 that.

18 MR. COLLINS: And the press clipping.

19 MR. WILSON: Okay. Thank you for your

20 testimony.

21       By the way, if you or anybody else has  
22 written testimony, if it's your only copy, if you want  
23 to write the name and address on it, the reporter will  
24 make sure to get it back to you.

25       So that is another little option for

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1 everybody.

2       Next is Tim Curry.

3       MR. CURRY: Good evening. My name is Tim  
4 Curry, and I'm representing Design Solutions, which is  
5 an organization of builders and general contractors.

6       I want to thank you now for the opportunity  
7 to address you about these issues which I think are so  
8 critical to the community of Santa Fe and the State of  
9 New Mexico.

10       I have to admit that I find it fascinating  
11 that we are all here again at yet another hearing to  
12 decide the fate of the WIPP plant. After so many years  
13 of meetings, and so much work to point out the faults  
14 of the WIPP project, I think it would be safe to ask  
15 whether these have been hearings or hard of  
16 hearings. So many of the questions we have asked have  
17 gone unanswered, and so many of the safety issues we  
18 have raised have been ignored. Sometimes it just seems  
19 like nobody is listening.

20           So if you can hear me, please let me know by  
21 raising your hand.  
22           Thank you.  
23           There's one aspect of this whole problem that  
24 I'd like to address. And it just runs with me all the  
25 time, and it's really an issue; and that is, whether or

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1 not we are using any common sense at all when we're  
2 looking at this whole problem. Where is the common  
3 sense that is so vitally needed when we're dealing with  
4 toxic waste that is going to be a threat to all of  
5 humanity for thousands of years? Where is this common  
6 sense? It seems like it's in short supply.

7       So I'd like to ask a few questions about the  
8 common sense of this project.

9       Was anyone exercising any common sense when  
10 it was decided that the best way to clean up existing  
11 nuclear waste was to create a brand new site and  
12 contaminate the ground there? In other words, does it  
13 make any sense at all to take a non-nuclear site that  
14 is free and clear of any contamination and destroy that  
15 environment for the next few centuries to come? Does  
16 it make sense to take an area that is already  
17 radioactive and try to clean it up of every phase of  
18 potentially harmful waste? Is it even possible to  
19 accomplish such a task?

20 Will we ever really be able to clean up Rocky  
21 Flats or Hanford so that it is actually safe for homes  
22 or businesses? Isn't it true that the toxins, poisons,  
23 radioactive waste will forever contaminate these sites?  
24 Common sense and past experience tell us that  
25 no matter what we're told, these areas will always be

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1 regarded with fear and concern regarding their true  
2 status. No one will ever be able to work or live on  
3 these sites without concern for their safety. The fact  
4 is that the Rocky Flats site will never be a safe area  
5 on which to construct homes or businesses and at the  
6 Hanford site in Washington nuclear contaminants have  
7 even been found in the water. We will spend millions  
8 of dollars in an effort to minimize this damage, but  
9 isn't it obvious there will never be a complete or  
10 total clean up of this site or others?

11       The fact is there are dozens of sites across  
12 the country that are already highly contaminated with  
13 radioactive waste. Rocky Flats is dangerous, and it  
14 will remain so, as will most, if not all, of the  
15 other sites. Health authorities in these areas are  
16 exercising their common sense and demanding that these  
17 sites be cleaned up. And they should be cleaned up to  
18 whatever extent is possible. But the point I wish to  
19 make here is these sites are already contaminated,

20 already geographic sites that are loaded with problems.  
21 Indeed, they are the nuclear children of the Love Canal  
22 with a life span that is truly frightening. They will  
23 remain unsafe for many generations to come. Surely  
24 they must be cleaned up, but only to the extent that is  
25 logically obtainable.

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1           So our common sense tell us these sites will  
2 never be completely free of the contaminants found in  
3 their soil, never truly safe; the best we can hope for  
4 is containment or encapsulation of the pollutants  
5 existing on these sites. The basic question I'm asking  
6 is whether it really makes sense to move the waste from  
7 one site that can never be totally cleaned up to  
8 another site that will never be totally cleaned up. Is  
9 this the best solution we can come up with? Create a  
10 mess, move a mess, leave a mess behind?

11           This is the crux of my point, that the  
12 decision to create a brand-new site is just a really  
13 bad idea. It defies logic, and it's devoid of common  
14 sense. It's a bad idea, bad science: Create a  
15 brand-new site, a brand-new site where the basic design  
16 principle is to create a site which we will never even  
17 try to clean up.

18           Please explain this to me. You want to  
19 create a site containing the most poisonous substances

20 known to man, and you have no intention of cleaning it

21 up.

22 Is this a "hearing" or a "hard of hearing?"

23 Is anyone listening? Because this is an exceptionally

24 bad design concept.

25 As a builder, I would submit this is quite

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1 possibly the pinnacle of ignorance in logic design.

2 Where is the logic to create a site where the waste

3 will not be accessible for clean up when it's complete?

4       Is anyone looking to the future?

5       The problems with this site are well

6 documented. No one can prove the safety of this site

7 on a long-term basis. No one can prove that the waste

8 will not migrate into the water table at some future

9 date.

10       The issues involved in transportation of the

11 waste are another issue altogether, a different issue

12 that has, unfortunately, been addressed with the same

13 lack of common sense and pursued without the necessary

14 proof of safety issues. In the absence of such proof,

15 I ask what plan the scientists have done to determine

16 the waste will be contained if it does start to

17 migrate? What contingencies are in place for what

18 eventual problems?

19       Have plans been made? Are we to assume it is

20 impossible there will never be a problem of any kind at  
21 the site?

22 MR. WILSON: Mr. Curry, your time is up, so  
23 if you could finish.

24 MR. CURRY: Do I have ten minutes? That is  
25 my understanding. Because I'm representing an

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1 organization, I will have ten minutes. That's what I  
2 requested.

3 MR. WILSON: I had you down for five minutes,  
4 so I don't know what the agreement is. How much time  
5 do you need to finish?

6 MR. CURRY: I have allotted ten minutes. I  
7 would like ten minutes.

8 MR. WILSON: Pardon? How much additional  
9 time?

10 MR. CURRY: Approximately another five  
11 minutes.

12 MR. WILSON: You're already a couple of  
13 minutes over the five minutes, but go ahead and see if  
14 you can finish.

15 MR. CURRY: Okay.

16 What I am saying is now is the time to  
17 realize there is a fundamental problem with this whole  
18 concept. Twelve months ago scientists were predicting  
19 that the cloning of an animal might be possible in as

20 little as ten years, yet in yesterday's newspaper they  
21 are talking about cloning a human in six months.  
22       So the concept is that, you know, you're not  
23 giving science -- you're not giving science the  
24 potential to come up with a solution to this problem.  
25       The problem that we have is that you're

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1 looking at putting this waste in a place where it's  
2 buried and it will be inaccessible, and you are not  
3 giving science a chance to come up with a solution to  
4 this.

5       What I'm suggesting, what I'd like to say is  
6 that this matters to the citizens of Santa Fe. It  
7 matters that it's not safe to transport this through  
8 the streets. It matters that the waste from the other  
9 contaminated sites is being brought to New Mexico to  
10 create this brand-new toxic waste site.

11       In conclusion, it appears that the WIPP site  
12 project is based upon a hopelessly flawed concept of  
13 design principles, and the decision to locate the  
14 project on this particular site is also hopelessly  
15 flawed, because no one can prove the waste will not  
16 migrate. And this is something we have been asking for  
17 over and over, proof that the site will actually  
18 contain the waste.

19       Common sense tells us currently there's no

20 scientific way to prove the material can be contained  
21 for thousands of years. How can this project be in  
22 compliance with EPA codes when it does not conform to  
23 basic tenets of common sense for environmental safety?  
24 So what is the solution? For the present it  
25 seems entirely logical to leave the waste where it is,

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1 secure it, store it, and fund the research necessary to  
2 some day remove the risks involved in the disposal of  
3 those toxic substances. Let's use common sense and  
4 design storage facilities to contain the waste at the  
5 same location where it's produced. Let's design  
6 facilities that allow for secure storage of the  
7 materials and allow for future retrieval and treatment  
8 of the waste. In short, let's give the future of  
9 science the option of developing a viable solution to  
10 this issue. Store the waste at its point of  
11 introduction into the environment wherever possible.  
12 It's time to abandon the concept of creating new toxics  
13 waste sites. We already have plenty of beauties we  
14 cans use to store this stuff.

15 Thank you.

16 MR. WILSON: Thank you very much.

17 Next is John McCall.

18 MR. McCall: Good evening. Thanks for  
19 another opportunity to speak to you again.

20 My name is John McCall, and I am an attorney.  
21 I work in Albuquerque and Santa Fe. I am also a member  
22 of the State Green Council for Bernalillo County, and  
23 I'm also a member of the Association for Public  
24 Interest Law. And our number is 256-7690. You may  
25 want to write that down. We are the association that

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1 designed the lawsuit that stopped the welfare reform in  
2 New Mexico. We are the association that enjoined  
3 Medicaid Managed Care from abusing children in New  
4 Mexico after they held a series of hearings similar to  
5 this and then made a decision that was totally contrary  
6 to the public interest.

7       So are people ready for a lawsuit?

8       Now, there is a way to avoid that, and you  
9 hearing officers for the EPA hold that in your hands.

10       I realize you are under a tremendous amount  
11 of pressure from the "representatives" quote/unquote,  
12 from New Mexico, some of them, and one of them happens  
13 to sit on the budget committee in Congress; however,  
14 the excuse, "I was just following orders," does not  
15 hold true in the 20th Century, and certainly not in the  
16 21st Century.

17       So I ask you not to approve the WIPP site,  
18 and not to approve DOE going forward with opening it.

19       I mentioned to you yesterday a couple of

20 things in litigation that has gone on before. One was  
21 that the Court in 1992. U. S. District, 783 F. Supp.  
22 628, found that "enhanced geotechnical monitoring  
23 systems will provide at least six months of advanced  
24 warning of roof falls and the safe retrieval of waste."  
25 That is what the Defendant said in that case. And the

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1 Court said: "The report, however, shows there is a .cq

2 5 5 0

3 great likelihood that the waste proposed to be

4 emplaced in WIPP will not be retrievable after the

5 test stage."

6 We have already talked about that, and you

7 know that, so how can you put it down there in good

8 conscience in the first place?

9 Second we talked about passive institutional

10 controls and the fact it is impossible to communicate

11 with people 10,000 years in the future, as far as we

12 know, and the fact that the Constitution and the

13 Declaration of Independence of the United States

14 protects the life, liberty, and pursuit of happiness of

15 American citizens.

16 This is your duty. You have a duty to uphold

17 those documents. And if you think that any of these

18 scientists that have come before you or talked to you

19 about this -- they are the same scientists that put Los

20 Alamos on a volcano which, amazingly, there was magna  
21 found on that volcano coming out the surface a couple  
22 of years ago.

23 And you have already heard about the  
24 earthquake.

25 So in New Mexico we are a little nervous

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1 about what you are doing to our environment here.

2       Finally, I would also note that the Court  
3 discussed in State of New Mexico versus EPA, the  
4 decision rendered June 6, 1997, 114, F32, 90, that they  
5 discussed this issue of passive institutional controls,  
6 and said: "Some argue any civilization 10,000 years  
7 from now will be smart enough to understand such  
8 markers, while others said the markers would be  
9 ineffective within 500 years."

10       Probably some of you said they would be  
11 ineffective within 500 years.

12       "The DOE/EPA conversation added no new data.  
13 EPA's decision on passive institutional controls  
14 is plainly unsustainable on the contested record.  
15 The procedures claims are equally meritless."

16       That was found under the Chevron standard we  
17 discussed yesterday, as well of Agency decision making.

18       But I'm asking you -- you have already  
19 thought about this, EPA has already looked at this.

20 Look at it from a constitutional standard, look at it  
21 from the standard that was used when this country was  
22 founded. What were the people upset about? They were  
23 upset about the kind of decision making that goes on  
24 where you hold a hearing and then do the opposite of  
25 what everybody wants you to do, except for a few

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1 scientists who happen to be paid 50- to \$75,000 a year,  
2 and feel a great interest in telling you to do  
3 something else.

4       So what we are asking you to do here tonight  
5 to avoid a lawsuit is to preclude the opening of the  
6 WIPP. You have that power. You are the guardians of  
7 the environment here in United States. So, please,  
8 exercise it. Otherwise -- well, we will pass laws in  
9 our state saying you can't come down our roads --  
10 although that's been found in the Supreme Court you  
11 can't close the roads down. But we can certainly say  
12 your trucks have to have a lot of specifications met,  
13 or DOE's trucks have to have a lot of specifications  
14 met that makes it very difficult to come through here.  
15 We have the public health and safety in mind;  
16 therefore, I think we could win that court case.

17       If you don't decide otherwise, we will end up  
18 in court, and it's going to cost thousands and  
19 thousands of dollars, temporary restraining orders, et

20 cetera.

21 So please, think about the future, think

22 about the taxpayers, and think about the people and the

23 environment in New Mexico.

24 MR. WILSON: Thank you Mr. McCall.

25 Next is Polly Roddick.

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1 MS. RODDICK: I live in Santa Fe, and I'll  
2 keep it, brief because I've been doing this for years  
3 and we are still hear.

4 Polly Roddick.

5 Dispassionate scientists tell us WIPP is a  
6 political, not scientific, solution.

7 Because it comprises unstable salt beds,  
8 nuclear waste there may pollute the water table;  
9 therefore the only responsible answer is to leave the  
10 nuclear waste where it is until we can transmute it.

11 Trucking nuclear waste over our crumbling  
12 infrastructure risks an accident that could spill  
13 plutonium and make the area where it's spilled  
14 uninhabitable for 240,000 years. This is not  
15 desirable.

16 Moreover, some younger scientists point out  
17 that Western science has never proved, using its own  
18 scientific method, that logic and reason are the only  
19 route to knowledge. Western science accepts the

20 supremacy of logic and reason with an act of  
21 fundamentalist faith. Such fundamentalism is not  
22 adequate to address our nuclear waste problem.  
23       The EPA needs to take a more open-minded and  
24 ultimately wiser and holistic approach in order to heal  
25 the insanity, the greed, the denial, the

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1 shortsightedness and the total disregard for our  
2 children's future that wants to bring us WIPP.

3 MR. WILSON: Thank you for your testimony.

4 Next is Wendell Wearth.

5 Mr. Wearth.

6 MR. WEARTH: Good evening. It's once again  
7 my pleasure to have the opportunity to present to the  
8 EPA my personal views and convictions regarding the  
9 Waste Isolation Pilot Plant and the pending  
10 certification action which is the focus of this panel.

11 I thank the panel and EPA for devoting an  
12 entire week to gathering all views on this important  
13 project.

14 My name is Wendell Wearth. I'm presently a  
15 Sandia National Laboratory Fellow. I've been  
16 associated closely, in one way or the other, with WIPP  
17 for about 24 years, something over 20 years as project  
18 manager for the scientific programs.

19 I am not going to address all of the detailed

20 science that has shown the WIPP to be a safe and robust  
21 repository tonight. Tens of thousands of pages of  
22 documentation adequately present that argument. I  
23 will, however, summarize two or three issues about  
24 which I feel particularly strong.

25 First is that the geologic and hydrologic

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1 studies have conclusively shown that the WIPP  
2 repository will not be breached by any natural process  
3 for times far in excess of 10,000 years. The  
4 hydrologic regime is well understood and will act as an  
5 effective barrier if human intrusions inject  
6 radioactivity into the overlying aquifer.

7       The WIPP site is not necessarily the perfect  
8 site. There may not be such a site anywhere, because  
9 someone will always claim that it has problems. I  
10 think, however, that our studies have shown that it is  
11 very acceptable and robust site, and a site that has  
12 been the subject of envy of all the other international  
13 waste repository programs.

14       I'd also like to comment that the shaft seals  
15 and the natural salt creep assure that the only  
16 potential for release of radioactivity from WIPP will  
17 be through human intrusion into the actual waste areas  
18 at some time in the distant future. Salt creep assures  
19 that waste will be entombed over 2,000 feet deep in a

20 cocoon of solid salt, isolated from contact with mobile  
21 water and from the biosphere.  
22 Finally, the extensive and detailed  
23 calculations using conservative models and model  
24 parameters to examine the consequences of human  
25 intrusion so that radioactive releases, even from

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1 repeated direct penetration into the waste, will be  
2 well below EPA criteria and will present no health and  
3 safety issues. Assurance measures, such as robust panel  
4 seals and magnesium oxide backfill, add additional  
5 conservatism to predicted releases.

6       So why the controversy over WIPP? Why the  
7 inordinate delay in using the facility to improve the  
8 radioactive waste safety in this nation?

9       The public, of course, is uncertain and can  
10 be misled when so much of the opposition's rhetoric is  
11 an emotional plea to the presumed specter of  
12 radioactive disaster.

13       The risk of WIPP in all its aspects are far  
14 less than for many commonly accepted, everyday  
15 activities.

16       So what and who does the public believe?  
17 What do we do about the problem of the diversity of  
18 views you've heard here tonight?

19       On the one side, we have the scientists who

20 have worked on the project; on the other side, the

21 opposition.

22 I would submit that the public and the EPA,

23 if they have not resolved this with their own analysis,

24 look to the independent reviews that have been

25 conducted on the WIPP. The National Academy of

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1 Sciences - WIPP panel, and numerous national and  
2 international expert panels have examined the science  
3 and assessment of WIPP safety, and all support the  
4 position taken in the Certification Application.

5 EPA has also undertaken their own reviews and  
6 analyses. Even when EPA expanded the conservatism of  
7 the DOE's modeling and model parameters, the WIPP  
8 proved to be so robust in its isolation of the  
9 radioactive waste that the calculated releases were  
10 well still within the limits of the standards.

11 The time has come for EPA to finally  
12 recognize the scientific consensus and to determine  
13 with their Final Rule that the WIPP can be operated  
14 safely within the bounds of their regulation. No  
15 useful scientific purpose can be served by continuing  
16 to give credence and endless study to so-called new  
17 issues conceived by opponents desperately seeking to  
18 find ways to delay WIPP under the pretext of  
19 questioning its safety.

20        Examples of such issues most recently floated  
21 are air drilling, and haggling over the precise  
22 functioning of magnesium oxide backfill. Neither issue  
23 is of a nature to warrant inclusion by the EPA as a  
24 condition in the final rule. Even if such studies were  
25 included, the data exists and are documented to a

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1 degree sufficient to show the issues would not  
2 compromise WIPP compliance.

3       In conclusion, I would like to compliment the  
4 EPA on the monumental task they have accomplished in  
5 reviewing the Compliance Application. I can support  
6 the conditions they have taken in the Preliminary Rule  
7 as providing additional public confidence, although I  
8 believe they will not materially enhance long-term  
9 performance. In light of the broad, independent  
10 scientific support of the WIPP and a consensus that it  
11 will be safe for more than 10,000 years, I would urge  
12 the EPA to find WIPP in compliance and promulgate a  
13 final rule without any further conditions. Delay will  
14 not increase the safety of WIPP. Delay will diminish  
15 safety for areas where waste now exists. Delay will  
16 incur useless cost, and delay will cast doubt  
17 nationally and internationally on the ability and  
18 fortitude of this nation to do what is clearly the  
19 right thing to do.

20 Thank you.

21 MR. WILSON: Thank you, Mr. Wearth.

22 Next is Priscilla Logan.

23 MS. LOGAN: Good evening. My name is

24 Priscilla Logan. I'm a teacher in the Santa Fe Public

25 Schools, and I've been an elementary teacher here in

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1 Santa Fe for 23 years. We met before. I have been  
2 continually speaking what I feel comes from my heart  
3 and my concerns about WIPP.

4       One very large concern that I have is that  
5 the way that the WIPP is planning on delivering the  
6 radioactivity to the site is through cities and towns,  
7 through cities and towns that have school children,  
8 through cities and towns that have people like you  
9 and I. The kinds of problems that would happen if the  
10 WIPP truck came through Santa Fe and came across one of  
11 the most difficult and most dangerous sites in New  
12 Mexico, the intersection of --

13       MR. WILSON: Ms. Logan, why don't you hang  
14 on. We are getting a lot of noise from the outside. I  
15 want to make sure everybody can hear you.

16       MS. LOGAN: Thank you.

17       MR. WILSON: Okay.

18       MS. LOGAN: The intersection of Cerillos Road  
19 and St. Francis is not only a very busy intersection of

20 two different streets, but it's also an intersection  
21 where a railroad comes through. That's where the WIPP  
22 trucks are planned, because we haven't gotten around to  
23 building the Richards Bypass.  
24       So even if we were going to a safe site, we  
25 are going through an area that is extremely dangerous.

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1 And there's two elementary schools within two blocks of  
2 that area. That's a real concern of mine.

3 And I don't think it's just Santa Fe, New  
4 Mexico that has that problem. I think there are other  
5 cities and other towns that aren't aware of the WIPP  
6 trucks going to be going through their communities.

7 So when they arrive at the WIPP site in  
8 Carlsbad, what are they putting the radioactivity into?  
9 I'm aware that you have made certain safety standards  
10 that need to be met by WIPP, and I'm also aware that  
11 many of those safety standards cost a lot of money and  
12 take a lot of time. And I'm also aware that some of  
13 those safety standards, so that we can quickly put the  
14 radioactivity into the site are being sort of put to  
15 the side.

16 As an elementary school teacher, we set up  
17 standards and we live by them so that we can all get to  
18 wherever we are going and get there in one piece. I  
19 don't understand why we're taking all these shortcuts.

20 And, yes, it's taking a lot of time, but I think you

21 and I and our children are worth it.

22 Thank you.

23 MR. WILSON: Thank you.

24 Next is John Dendahl.

25 MR. DENDAHL: Mr. Wilson and your colleagues,

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1 I am John Dendahl, a native of Santa Fe, and my  
2 education includes Bachelor's degrees in electrical  
3 engineering and business administration.

4 My business and government experience  
5 includes service as Secretary of Economic Development  
6 and Tourism for the State of New Mexico, as well as  
7 Chief Executive Officer of Eberline Instrument  
8 Corporation, also in Santa Fe. Eberline designs and  
9 manufactures instruments and systems used to detect and  
10 monitor ionizing radiation, and also performs a variety  
11 of analytical and consulting services associated with  
12 radioactive materials in work and  
13 natural environments, and protection of people by  
14 minimizing their exposures.

15 Eberline is among the leading companies in  
16 the world in that business, especially including its  
17 expertise related to plutonium.

18 I have periodically furnished testimony at  
19 hearings addressing WIPP for about 23 years. These

20 have included hearings in Congress, the New Mexico  
21 legislature, and a number similar to that being held  
22 this evening.

23       As a taxpayer, I'm outraged that this project  
24 was not in full operation long ago. That it remains  
25 unopened is, in my view, a triumph of foolishness over

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1 common sense.

2 I would like to share an anecdote.

3 The Department of Energy pays for a watchdog  
4 organization in New Mexico, operating without  
5 accountability to anyone, as far as I can see, called  
6 the Environmental Evaluation Group, or EEG. One  
7 evening an EEG staff member made a presentation to the  
8 local chapter of the American Nuclear Society. Among  
9 this gentleman's reported recent activities was a week  
10 he had spent in Washington D.C. pondering the  
11 likelihood of WIPP being breached during the next  
12 10,000 years. Before announcing any conclusion, he  
13 changed the subject and moved on to something else.

14 During the question period, I asked what the  
15 consequences would be if, in fact, someone put a drill  
16 through WIPP sometime during the next 10,000 years. He  
17 thought a moment and replied: Not much.

18 I believe that pretty well sums up the  
19 consequences of each and every scary "what if" conjured

20 up by some of the legions of parties asking, "What

21 if..."

22 Not much.

23 The adjective "safe" generally has meaning

24 only generally in the relative sense; that is,

25 safe compared to what? However, as that adjective has

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1 been applied to the WIPP and associated materials  
2 packaging and transportation, it seems to be given its  
3 literal meaning. An important example is this  
4 Congressional District's former representative Bill  
5 Richardson, whose standard endorsement was, "I'm for  
6 WIPP as long as it's 100 percent safe."

7       There is, of course, no such thing as 100  
8 percent safe. However, the extreme measures taken to  
9 assure safety in the entire WIPP system seem  
10 unprecedented when considered in comparison to other  
11 risks.

12       I commend the EPA for having concluded  
13 subject to these final hearings that operation of WIPP  
14 should commence. It's long past time to stop trying to  
15 count the angels who can dance on the head of a pin.

16       Thank you.

17       MR. WILSON: At this point I wanted to check.

18 Is Richard Palosi here?

19       (Note: No response.)

20        Okay. Next is Stanley Tenorio.

21        Oops. Here he comes.

22        MR. TENORIO: Good evening.

23        MR. WILSON: Good evening.

24        MR. TENORIO: My name is Stanley Tenorio.

25 I'm a member of the San Felipe Tribal Council, but I

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1 wish to emphasize that I am speaking for myself on this  
2 matter.

3 I have heard the fantasies of fear being  
4 spread by forces opposed to the opening of WIPP: The  
5 imagined accidents that await the heavily monitored and  
6 guarded trucks heading out of Los Alamos for Carlsbad  
7 with their loads of transuranic waste; the imagined  
8 ruptures of the ultra-safe containers designed to hold  
9 that waste; the imagined geological disaster in the  
10 WIPP salt beds in the millennia to come.

11 I also have heard of the very real dangers  
12 posed by the continued storage of the waste at Los  
13 Alamos National Laboratory. I have heard of the very  
14 real dangers in the integrity of that storage,  
15 sometimes above ground, sometimes in wooden containers,  
16 sometimes under the flimsy shelter of tents, and  
17 sometimes in leaky and deteriorated barrels, which  
18 could be breached by a fire, by a storm, by a wind, by  
19 any of the many fearful forces of nature that abound in

20 this wonderful land of ours.

21 I have heard of the very real finding of

22 radioactive materials that have contaminated sediment

23 at Cochiti Lake, the lake that supplies crucial waters

24 to my Pueblo further downstream. I have heard of the

25 very real contamination by deadly plutonium of the

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1 beautiful Columbia River along the Oregon and  
2 Washington border, plutonium that has leaked out of the  
3 tanks into the ground of the Hanford Nuclear  
4 Reservation in the State of Washington, and from there  
5 into the river.

6 I know that that can happen here to the Rio  
7 Grande river, the river on which so many of us depend  
8 for domestic, agricultural, and religious use.

9 My people already have many wonderful,  
10 imaginative folks tales. We don't need any more. I  
11 urge the EPA to ignore the imagined dangers set forth  
12 by the WIPP opponents and to pay attention to the real  
13 ones. If WIPP must happen, then do it responsibly,  
14 keeping in mind our citizens, the safety and health of  
15 our people.

16 And I thank you for listening to me.

17 MR. WILSON: I thank you for coming tonight.

18 Next is Susan Halford. Yes.

19 MS. BACA: I'm speaking in Susan Halford's

20 place.

21 MR. WILSON: Okay. Please come up.

22 MS. BACA: Good evening. My name is Dolores

23 Baca, and I represent the community of La Bajada.

24 Our irrigation system in La Bajada provides

25 water to more than 75 acres, to the farms, to the

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1 people of La Bajada to use to grow their own food. We  
2 are not a rich community. We farm and grow because it  
3 is how we feed our children and ourselves, and the  
4 water we depend on to keep our crops and ourselves  
5 alive comes from and flows through areas in the  
6 immediate vicinity of the Los Alamos labs, areas where  
7 radioactive waste has, for 50 years, been stored in  
8 shallow trenches or temporary containers.

9       It is important, I think, for the people who  
10 oppose WIPP to understand a very simple fact: The  
11 people of the La Bajada community, people who I  
12 personally know, do not have the luxury to spend time  
13 imagining the danger when sometime in the future some  
14 hypothetical accident on an unknown highway, or en  
15 route to Carlsbad, fractures a containment vessel and  
16 releases radioactivity.

17       No, we cannot spend our time worrying about  
18 the imaginary dangers. In our world, real radioactive  
19 waste is buried in real shallow trenches, in real

20 proximity to the water we use on real crops. We do not  
21 have the luxury to imagine future danger, we must worry  
22 about today's threat.

23       The truth is we live on the edge of a  
24 radioactive waste dump. That is not a fancy way to put  
25 it, but it's the truth. We live there because our

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1 families have lived there for many, many years, because  
2 it is our land, because we can afford to live there.  
3 We were not asked if the land next to ours could be  
4 made into a radioactive waste dump, we were not told it  
5 was happening, but now when our government finally  
6 admits to the danger we are in and takes the steps to  
7 make us safer, some people with the luxury of distance,  
8 the luxury of time, want to argue over imagined visions  
9 of doom in their neighborhoods, while we continue to  
10 live in the shadow of real disaster in our  
11 neighborhood.

12       For the opponents of WIPP there are many  
13 issues. They imagine the dangers of moving the  
14 radioactive waste, they imagine the danger of storing  
15 the waste half a mile beneath the surface of the earth,  
16 they imagine the dangers the radioactive waste stored  
17 half a mile beneath the earth's surfaces represents to  
18 the future.

19       Well, I thank the Department of Energy for

20 holding these hearings at a time that working people  
21 can make a comment, because we, the working people of  
22 the community of La Bajada, do not have to imagine  
23 future dangers. We live with the present danger just  
24 across our property lines. We live with waste buried  
25 in shallow trenches in the immediate vicinity of our

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1 watershed every day of our lives.

2       We think the people who oppose WIPP and our  
3 government should think about that, and we ask them to  
4 think about us: Real people whose water, whose  
5 livelihoods, whose lives are threatened by real  
6 radioactive waste in the here and the now.

7       Thank you.

8       MR. WILSON: Thank you.

9       Next is Amy Manning.

10       MS. MANNING: Good evening, and thank you for  
11 taking the time to hear me out on this very important  
12 matter of EPA certification for WIPP.

13       My name is Amy Manning. I'm a City Councilor  
14 and the chair of the Public Safety Committee of the  
15 City of Santa Fe City Council.

16       Some months ago a citizen and city staff task  
17 force was created by city resolution to study proposals  
18 for establishing a Waste Isolation Pilot Plant route  
19 for shipment of the dangerous waste brought from Los

20 Alamos National Laboratories to the WIPP underground  
21 burial site near Carlsbad.  
22 Specifically, the task force was asked to  
23 explore Santa Fe's options to the transportation of  
24 WIPP waste along St. Francis Drive, to work to secure  
25 the necessary funding for the construction of a safe

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1 Santa Fe relief route, and to report to my committee,  
2 which, in turn, would study the task force report and  
3 make recommendations to the full City Council.

4       The task force of nine people, four of them  
5 city administrators, held eight meetings between March  
6 18 and June 18 of this year, and produced a report that  
7 led eventually to the City Council approval of a waste  
8 route with certain restrictions.

9       Permit me now to make certain observations,  
10 although they are personal, but in light of that  
11 decision we did make some personal observations.

12       Please note that the dominant elements of my  
13 committee is the public safety. That was our only  
14 concern: A search for a solution that would minimize or  
15 even eliminate any danger to the public at large in  
16 this region and in the city.

17       That danger is obvious. It is the vast  
18 amount of nuclear waste stored, if that is the word, in  
19 a variety of ways in and around Los Alamos

20 Laboratories. There are legitimate concerns about the  
21 safety of that stored waste and the threat that it  
22 poses for those of us who live in this area. We can't  
23 wish that danger away. It was created decades ago with  
24 the arrival of the nuclear age. Debating the merits of  
25 its existence is futile. It's there. The only useful

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1 discussion must be what to do about it and where to  
2 move it.

3       So now we come to a balancing act. There are  
4 a variety of conflicting concerns about the wastes, all  
5 of them legitimate and all of them deserving of  
6 balanced consideration. We also must balance our  
7 decision on those concerns, but most of all we must  
8 balance what we think about this nuclear waste with  
9 what we must do to protect public safety.

10       As for contending elements, there are at  
11 least four.

12       There are those who believe the waste must be  
13 shipped from Los Alamos to WIPP no matter what;

14       those who believe that no shipments of waste  
15 should come through Santa Fe;

16       those who believe there should be no  
17 shipments at all, on the theory that technology will  
18 catch up with the hazards and find a way to neutralize  
19 the waste on site;

20           and four, those who contend that WIPP must be  
21 opened, and contend that under federal law we cannot  
22 stop shipments on a federal highway, St. Francis Drive,  
23 for example, regardless of our concerns, and that our  
24 only responsible and reasonable alternative is to  
25 endorse the opening of WIPP and the safest possible

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1 methods for transporting material to WIPP.

2 I number myself among those. I am convinced  
3 that a vast number of people in this area want the  
4 waste removed to WIPP. I am convinced that the U. S.  
5 Department of Energy and the EPA are committed to  
6 reason, not politics. I am convinced that we should  
7 not spend time discussing the merits of deep burial of  
8 the waste, in as much as all available scientific  
9 studies have established that as the current ultimate  
10 in methods of handling waste of this type.

11 And lastly, I am convinced that reasonable  
12 people can reach rational conclusions in this matter.

13 Thank you.

14 MR. WILSON: Thank you.

15 Next is Michael Dempsey.

16 MR. DEMPSEY: Good evening. That's a prepared  
17 statement. I'm going to stray.

18 My name is Mike Dempsey. I've been coming to  
19 these meetings since '89.

20        Let me say first, I want the WIPP site to  
21 open desperately. I worked there for two years, '92 to  
22 '94. Now I work at Los Alamos at the plutonium  
23 facility. I wrote the current procedure for doing  
24 radiological surveys on the WIPP drums. Also, I pack  
25 WIPP drums every day. There is really not that much in

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1 them. I wouldn't want one in my bedroom, but it's not  
2 that bad of material in there. It really isn't. It's  
3 contact-handled waste that is in there. I will say a  
4 quarter of it is gloves, lead-lined gloves from glove  
5 boxes, a lot of pipes, crucibles, electrical conduits,  
6 insulation, those types of things. It's not a lot of  
7 real bad stuff, and I see it every day. Okay.

8       And I have those prepared comments, but I'd  
9 like to just kind of shoot from the hip.

10       The word "isolation" in the Waste Isolation  
11 Pilot Plant project, that says it all. It's isolated.  
12 I worked there underground for two years. When you  
13 stand on the bottom you look through 2,000 feet of salt  
14 above your head, and you're walking around. I've been  
15 in the entire underground there, there's maybe a gallon  
16 of water being formed a day. That's nothing. Okay?

17       So the imagined fears of it breaching and  
18 going out into the Pecos, it's a joke. Okay? That  
19 salt has been there for 245 million years, and it's

20 probably going to be there another 245 million years.

21 It's never going to come to the surface; it's going to

22 stay down there.

23 I worked underground mining for ten years.

24 Ground flow or salt creep is real. The waste will be

25 safely entombed down there forever, never come to the

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1 surface.

2 I hear a lot of things about drilling down  
3 into it and breaching the containment. Well, you have  
4 to consider -- I'm an optimist, and I believe that we  
5 are all getting smarter here. Okay. We are not  
6 getting dumber. And people aren't going to come by in  
7 10,000 years and say, "Oh, this is some trick that they  
8 don't want us to drill here. There is something  
9 valuable, so we will do it."

10 Not going to happen. In 10,000 years we will  
11 be on other planets. We will. No one is going to  
12 bother it. It will be safe forever down there.

13 The geography is right, the area is right. I  
14 don't know who all has been there. It's in the middle  
15 of nowhere. It's 50 miles from the Caverns.

16 I don't know if you heard anything today.  
17 People keep talking about the beautiful caverns are  
18 going to get wasted from the waste. Fifty miles from  
19 the caverns, everybody. Not anywhere near the caverns.

20 It's the middle of the desert.

21       The environment there has actually been

22 improved since the WIPP site was formed, because now

23 there's no bovine erosion, no cattle wandering around

24 eating all the grass. The environment has actually

25 improved since the WIPP site had been opened. It's not

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1 a sacrifice zone.

2       The place was studied for 25 years before  
3 they selected that site. They looked at all the  
4 different, other kinds of sites, and they chose that  
5 one because the salt happens to be thickest, and there  
6 is no brine pockets in the general vicinity. There's  
7 some around there.

8       And as far as the water getting down in  
9 there, no one is going to drink salt water, either.  
10 You don't drink salt water. It would be brine water  
11 that came out of there.

12       Oh, and we are responsible for most of this  
13 waste right here in New Mexico. The nuclear age  
14 started here in New Mexico, and we -- the weapons,  
15 uranium mining, nuclear medicine, space power, all  
16 those things are from New Mexico. And myself, I'm  
17 proud that they have the WIPP site in New Mexico, and  
18 I'm proud to take responsibility for dealing with the  
19 waste here in New Mexico.

20        My daughter is right here. We live in White  
21 Rock, my whole family. We can see the WIPP storage  
22 tents from the roof of our house, less than half a mile  
23 away. We are not really concerned about it, but we  
24 know it would be better down in Carlsbad.  
25        And she spends the summers in Carlsbad. So

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1 I'm not afraid for her to go down there and be around  
2 the WIPP site.

3 Oh, and the oversight? There is so much  
4 oversight it's not funny. If anyone here had to work  
5 under the conditions the people at WIPP have to work  
6 under, the EEG, the DOE, State, the NMED looking over  
7 your shoulders every day...

8 I change the filters on the air monitors --  
9 I'm out of time.

10 I can't say enough WIPP is safe, it's going  
11 to be down there forever, and we need to do the right  
12 thing, which is open it up and take care of some of the  
13 problems we created here.

14 Thank you very much.

15 MR. WILSON: Okay. Thank you for your  
16 testimony, and we will put your prepared statement in  
17 the record, too.

18 MR. DEMPSEY: Thank you.

19 MR. WILSON: Next is Sasha Pyle.

20 MS. PYLE: When I hear that statement,  
21 "There's so much oversight it's not even funny," it  
22 sounds a little different to me.  
23 I think of what's been overlooked. The word  
24 oversight means something different to me.  
25 My name is Sasha Pyle. I am a long-time New

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1 Mexico resident. I am a homeowner, business owner,  
2 voter, taxpayer, volunteer. I'm sorry I belong to so  
3 many fringe groups. It must be very inconvenient. I'm  
4 also -- I come from a long line of scientists and  
5 college professors. I have an honors degree from an  
6 Ivy League college.

7       None of that even matters. That is not what  
8 matters here. I am a citizen activist, and I have  
9 taken a hell of a lot of time to educate myself on this  
10 issue, and there's a lot about it that Wendell Wearth  
11 doesn't tell you, that George Dials doesn't tell you.

12       I am here tonight representing the Religious  
13 Society of Friends -- that is the group I'm here  
14 speaking for -- informally known as the Quakers. And  
15 that is the spiritual community that I belong to. We  
16 are not a church, we do not have a minister, we do not  
17 have a cardinal, do not have a bishop. We have silent  
18 worship. Our theological struggles are conducted  
19 internally on an individual basis, and there's no dogma

20 to which you must subscribe to be a Quaker. When you  
21 hear the words "organized religion," chances are it's  
22 not us you are hearing about.

23       However, one thing that we do try to do in an  
24 organized fashion is we serve the community daily. We  
25 do volunteer work, we try to feed and clothe and

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1 shelter people that need that kind of help, and we try  
2 to stick up for what needs to be stuck up for, which,  
3 in some cases, is natural resources.

4       And I am a 12th generation Quaker in this  
5 country. That doesn't make me a better or worse Quaker  
6 than anybody else, because we have no hierarchy. To us  
7 everyone is equal.

8       Quakers have a saying that we speak truth to  
9 power. In other words, that truth is important to us,  
10 and we will say it, no matter who we have to say it to.

11       No offense to you people that are taking the  
12 time to pay attention to us, but I wish I had someone  
13 more powerful than you to speak to tonight. I have  
14 been to so many meetings and so many hearings. Like  
15 John Dendahl, I have testified in Congress, like John  
16 Dendahl I have come to every hearing. And I used to be  
17 so impressed with the DOE people, the EPA people, and  
18 the Westinghouse people, and after years and years went  
19 by what I realized was I was talking to very

20 well-dressed, mostly polite, mid-level flunkies.  
21 People that did not have decision-making capabilities.  
22 And we would spend dozens and hundreds and thousands of  
23 hours educating ourselves about something that does  
24 matter to us, and we would come in here and pour our  
25 guts out to talk to people like you that would put all

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1 of your testimony, written and oral, and research, and  
2 every kind of summation of every kind of testimony and  
3 every kind of scientific things we could put together,  
4 and you would put it in your equivalent of a black  
5 plastic trash bag and go hand it to the decision  
6 makers, who are somewhere beyond closed doors with a  
7 decision already made.

8       To say this is not frustrating is an  
9 understatement. "Frustrating" is a euphemism. It is  
10 an outrage. It is a pure and simple outrage.

11       One of the things I kept thinking about when  
12 I was trying to decide how I would focus my remarks to  
13 you tonight to use as few moments as possible -- when  
14 what I would really like to do is talk to you for five  
15 or six hours, which I could do, no books and papers --  
16 because I could. And you have to take that on faith  
17 from me.

18       When I was trying to decide how to focus my  
19 remarks, I was thinking of this statement which I love

20 so much, which I believe was made by Aldo Leopold --

21 and if it was not him, it was some other

22 scientist/philosopher and inventor, but I believe Aldo

23 Leopold, who said: The first rule of intelligent

24 tinkering is to keep all of the parts.

25 I thought: Why do I keep thinking of this?

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1 What does this have to do with WIPP? Why does it keep  
2 coming into my mind?

3 I see two things about it. One is it's a  
4 statement of what the human act of invention is  
5 supposed to be about. It's supposed to be about  
6 betterment. Intelligent tinkering. Why do people try  
7 to invent things? What is science? What is technology  
8 intended to do? It's intended to better our condition,  
9 create an improvement or a solution.

10 Now, WIPP can never be a solution.

11 To the people who live in the Pueblos and the  
12 people who live in Cochiti, and the people who live in  
13 La Bajada, believe me, we know that you are in the  
14 shadow of disaster. We know it. We hate it. We are  
15 in the same shadow of the same disaster.

16 Los Alamos is a nightmare, as someone else  
17 said prior to the dinner break. However, WIPP can't  
18 make us safe from Los Alamos. If you are downwind and  
19 downstream of Los Alamos, you are still going to be

20 downwind and downstream of Los Alamos.

21           And the waste that is contaminating the Rio  
22 Grande and Cochiti Lake is waste improperly buried in  
23 pits, trenches, cardboard boxes, wells injected into  
24 the ground. WIPP was never designed to address that  
25 waste, and it will never address that waste. WIPP was

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1 addressed to one kind of waste only, and that is stuff  
2 that is packaged that is above ground. And it will  
3 only handle a fraction of that.

4       So all the concerned citizens all around the  
5 country that are downwind and downstream of Fernal,  
6 Hanford, Rocky Flats, and Pantax, and Savannah River,  
7 and Oak Ridge, and every other DOE facility in the  
8 entire country have been led to believe that their  
9 threat that they are so tired of living under is going  
10 to be solved the day that the ribbon is cut and the  
11 champagne cork flies out and the flash bulbs go  
12 off at WIPP, how betrayed and bitter are those people  
13 going to be that WIPP made a new mess and it doesn't  
14 clean up their mess? It can't clean up their mess.  
15 It's not big enough.

16       And it's supposed to be a pilot plant,  
17 because it's supposed to demonstrate we can do this  
18 again. Not only is WIPP the first of its kind, but  
19 let's get real, it's the last. They are not going to

20 try to build another one after how bad this one is.

21 We know this is bad. Everybody knows it's

22 bad. The scientists know it's bad. Everybody knows

23 it's bad. It's just a question of how bad is too bad.

24 It's the pilot plant, but the last one.

25 So even if somehow, by some miracle, it

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1 served its mandate, which we know it can't do, it still  
2 hasn't got a prayer of solving this problem that hangs  
3 over these people's heads all over the country.

4       So the second thing about Aldo Leopold's  
5 statement about intelligent tinkering, and the first  
6 rule, is to save all the parts, so that if somehow your  
7 idea doesn't work, if somehow your plan didn't result  
8 in solution and betterment and improvement, you can at  
9 least put it back the way it was and leave it no worse  
10 than before.

11       WIPP is designed to fail because it is  
12 designed to be something that can't be fixed. Because,  
13 believe you me, after 25 years of operation, when they  
14 decommission the above-ground facility, and they turn  
15 out the lights, and they plug the shafts, and they walk  
16 away from WIPP, there's no force of nature, human or  
17 otherwise, that is going to be able to get down in  
18 there into that collapsed facility with all that lovely  
19 backfill and clean up the mess that's been made down

20 there. It's an admission of defeat that we even open  
21 the damn thing, because it is designed to fail. It is  
22 an underground Hindenburg, pure and simple.  
23 And DOE likes to tell us that you can stop a  
24 particle of plutonium with a sheet of paper. They  
25 love to say that. And to some of us it raises these

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1 images in our minds: Well, are we going to put on  
2 paper suits like the ones that they issue to the  
3 emergency response workers along the route with the  
4 duct tape around, or are we going to hold a piece of  
5 paper and try to figure out which way it's coming from?

6 DOE believes that paper can make this safe.  
7 That's why they print more and more and more paper.

8 My idea is: Let's take the Environmental  
9 Impact Statements, and the supplements to the  
10 Environmental Impact Statements, and the Final  
11 Environmental Impact Statement, and the Application for  
12 the No-Migration Petition, and let's take all of this  
13 paperwork and let's put it in WIPP, because it would  
14 just about fill it up, and it's the only thing that  
15 would -- if we get a little printing ink in the water  
16 table, it would be a lot better than what we are about  
17 to get in the water table.

18 That facility is designed to fail. Salt is a  
19 hydrophilic medium. That means when any thermal

20 activity occurs in the salt, moisture is drawn to  
21 whatever is creating that thermal activity, unlike,  
22 say, stone where water is repelled if heat is  
23 generated.  
24       Okay. That means that all the thermal heat  
25 that you get from the remote-handled waste and the

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1 contact-handled waste which is hot, in addition to the  
2 mixture of chemical mixed hazardous and chemical waste,  
3 and decomposing organic materials, and gas formation,  
4 draws more and more moisture to the site, so what we're  
5 going to end up with is a toxic, nasty cocktail that is  
6 highly pressurized under there, and no way we can get  
7 down and clean it up.

8       That's the bottom line. That's what this is.  
9 If we are opening it, we are admitting defeat right  
10 now. We are saying we don't believe in science.

11       When people say, "People who oppose the WIPP  
12 are opposed to science," no, I believe in science. I  
13 believe it can give something better than sweeping the  
14 crap under the rug and pretending it's not there.

15       It is an assault on the planet to put it with  
16 water above it and water below. When it reaches water  
17 through any one of the innumerable escape pathways that  
18 are there already, and will be as additionally created  
19 by the fall of the anhydrite layers that are there,

20 through gas formation and everything else happening,  
21 all of that toxic, hazardous, chemical radioactive crap  
22 is headed for the water table, and the Pecos River  
23 feeds to the Rio Grande, and every fish hatchery,  
24 agricultural, drinking water from here to the Gulf of  
25 Mexico can be affected.

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1        Now, do we care or do we not care? That is  
2 the question.

3        Why have some of us turned out over and over  
4 again into this theater of the absurd to stand here,  
5 say this to you, or people like you, over and over and  
6 over again?

7        I wish if there is one image I could put in  
8 your mind, it would be of the Sweeney Center when we  
9 had the hearings on the Supplement to the Environmental  
10 Impact Statement in 1989, dozens and hundreds of people  
11 who sat there quietly in their row after row after row  
12 of seats holding up signs that said one thing: EPA  
13 Standards.

14       What does that mean? To us it is the  
15 independent oversight by another agency so that DOE  
16 would not just continue to regulate itself, lying in  
17 bed with its contractors in a cozy embrace -- which you  
18 guys apparently are trying to climb in under the covers  
19 now.

20           We have a mess all over this country. I  
21 refer to you as part of my submission to the public  
22 record my request that every decision maker in EPA be  
23 required to read from beginning to end a book called  
24 Deadly Defense. It was put out by the Radioactive  
25 Waste Campaign Group in New York, I believe published

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1 in 1989 or 1990. It is a scathing indictment of the  
2 environmental legacy of the DOE and nuclear weapons  
3 production in this country. And what is interesting,  
4 it is not a scathing document from outside, it was  
5 compiled from internal DOE documents that were obtained  
6 under the Freedom of Information Act. If the book were  
7 to be revised and updated now, the picture would look  
8 worse and not better, because new hazardous leaks that  
9 have come to light since then far outweigh the pathetic  
10 efforts at clean-up and remediation that DOE has given  
11 us.

12 I would also urge you to listen very  
13 carefully to what the Attorney General told you this  
14 afternoon, and Don Hancock told you yesterday, because  
15 these are people who know what's wrong with WIPP.  
16 There is only one or two other people that know more,  
17 but they can't say it because they would lose their  
18 jobs.

19 Now, you guys might lose your jobs, too, and

20 I'm sorry about that. I am. I don't want anyone to  
21 lose their jobs. But I will say this: That I believe  
22 in four or five hundred years that clean water in the  
23 ground is going to be worth more to people here in what  
24 we now call the arid, desert Southwest of the United  
25 States -- although this only has been the United States

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1 for 86 years, so we don't know what it's going  
2 to be in 10,000 years or 500 years. Clean ground water  
3 is going to be worth more than gold to those people,  
4 and certainly worth more than the 30 pieces of silver  
5 that we are being bought up with in the form of 25  
6 years of jobs for the depressed economy of Carlsbad.

7 I want our neighbors in Carlsbad to have a  
8 good economy and good life, and I want us to have a  
9 good economy and good life, but I think it's a crime  
10 against nature to take this toxic crap and shove it  
11 down the throat of New Mexico and the earth.

12 Thank you.

13 MR. WILSON: Thank you.

14 A SPEAKER: Can I say something very quickly?

15 I would like to mention something she just  
16 said. It would take me 30 seconds.

17 MR. WILSON: Well --

18 A SPEAKER: I, too, am a Quaker, and however  
19 valid her points are, I don't feel it's fair for her to

20 tack on her personal beliefs to the entire religious

21 society.

22 MR. WILSON: Thank you.

23 Let me check if Richard Polasi is here?

24 (Note: No response.)

25 Okay. Dr. C. Glendenning is next. Is Dr.

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1 Glendenning here?

2 (Note: No response.)

3 Les Shephard.

4 MR. SHEPHARD: Good evening. I want to thank  
5 the Environmental Protection Agency for the opportunity  
6 to present my personal views on the Certification  
7 Decision-Proposed Rule for the Waste Isolation  
8 Pilot Plant. I am Les Shephard, a resident Carlsbad,  
9 one who enjoys a good life and one who enjoys a good  
10 economy. In addition, I have a longstanding personal  
11 interest in the process used by our nation to make  
12 decisions on critical environmental issues, and with a  
13 professional interest in WIPP as the Director for the  
14 Center of Nuclear Waste Management at Sandia National  
15 Laboratories.

16 In 1992 Congress passed the Land Withdrawal  
17 Act, which, among many other things, provided a proper,  
18 responsible approach for assessing the long-term safety  
19 and health issues associated with WIPP when it

20 delegated to the Environmental Protection Agency the  
21 responsibility to make a certification decision, a  
22 responsibility held previously by the Department of  
23 Energy.

24       The EPA is to be commended for the rigorous,  
25 systematic, timely, and open manner in which they have

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1 completed their assessment of the Compliance  
2 Certification Application, and have properly concluded,  
3 in my view, that WIPP should be certified for the  
4 receipt of waste scheduled to begin in May of 1998.

5 I recognize that this decision was not made  
6 without significant internal and external dialogue,  
7 discussion, and debate on critical technical issues, on  
8 regulatory intent, and on legal ramifications.

9 It is also significant to recognize that this  
10 independent and thorough review by the agency reached  
11 many of the same conclusions on the technical issues as  
12 reached by multiple independent national and  
13 international experts serving individually and on peer  
14 review panels over the last 20-plus years, and by the  
15 National Academy of Sciences - WIPP committee, which  
16 concluded there is no credible or probable scenario for  
17 release of radionuclides from the WIPP if it is  
18 undisturbed by human intrusion.

19 The Agency has fully implemented the

20 scientific process as they developed the rule, openly  
21 and candidly engaging world experts in the debate of  
22 key technical issues. The Agency has been as rigorous  
23 in assessing the technical basis for each of the 1600  
24 parameters that were used as input to the performance  
25 assessment calculations, and has implemented a

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1 detailed, systematic, and thorough approach for  
2 reviewing the 456 key parameters relative to the WIPP  
3 total system performance assessment analyses.

4       The Agency has directed a series of analyses,  
5 the Performance Assessment Verification Tests, that  
6 have incorporated levels of conservatism well beyond  
7 that within the Compliance Certificate Application.  
8 These verification test analyses incorporated extremely  
9 conservative ranges for 24 critical parameters, many of  
10 which were identified or recommended by shareholders  
11 and oversight groups. The extremely conservative  
12 ranges exceed those likely to be found within the WIPP  
13 environment and exceed reasonable expectations, based  
14 on objective scientific evidence.

15       As an example, these analyses significantly  
16 increase both the probability of intersecting a brine  
17 reservoir beneath the repository and the volume of  
18 brine that would be intersected during a potential  
19 intrusion, they eliminated credit for passive

20 institutional controls, and made numerous other  
21 modifications to the Compliance Certification  
22 Application baseline.  
23       As in the CCA, these analyses also  
24 incorporated the effects of direct drilling into the  
25 repository and the associated releases associated with

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1 these intrusions.

2       Even when incorporating these extremely  
3 conservative scenarios, the analyses showed  
4 conclusively that the performance of WIPP is more than  
5 an order of magnitude below the Environmental  
6 Protection Agency's release criteria, and well within  
7 the bounds established for safe disposal and  
8 containment.

9       In closing, I strongly endorse the right of  
10 each individual to present their views on the proposed  
11 rule and their perspective on WIPP. Ultimately,  
12 however, a decision of this magnitude and importance  
13 must be based on open, objective, systematic and  
14 rigorous evaluation of the scientific evidence, with a  
15 singular focus on the long-term wellbeing and safety of  
16 the American people in mind. The decision to certify  
17 WIPP for receiving transuranic waste is the right  
18 decision for the safe, effective, long-term management  
19 of transuranic waste for this country, and is the

20 environmentally responsible decision to ensure the  
21 safety, health and wellbeing of many generations to  
22 come.

23 Thank you.

24 MR. WILSON: Next is Greg Mello. Good  
25 evening.

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1           MR. MELLO: Good evening. My name is Greg  
2 Mello. I'm the director of the Los Alamos Study Group,  
3 which is a nuclear policy non-profit here in Santa Fe.  
4 We don't work on the WIPP, primarily, so I'm going to  
5 be talking to you not in technical terms.

6           In 1971 I worked for the EPA -- I was a  
7 summer intern -- and we went that summer to a number of  
8 sites, including the Hanford Reservation. My  
9 supervisors in the EPA thought that perhaps I should  
10 sit out the meetings with the operators of the Hanford  
11 plant because, as they said, I had a propensity for  
12 asking the wrong questions. So I took the day off and  
13 walked around, drove around, talked to the neighbors at  
14 the Hanford plant, and learned a lot more, probably,  
15 than I would have learned sitting in a meeting.

16          I've been a little bit skeptical since then  
17 about claims of safety when there is so much material  
18 conflict of interest behind them.

19          I'm not sure, you know, that we know what the

20 problem is that WIPP is supposed to be solving, and it  
21 would be a lot easier if this were clearly known. I  
22 don't think that the magnitude of the waste stream has  
23 been bounded. It seems a little bit open ended.  
24 If any of you have been following waste  
25 management and the problematic actions for the

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1 Department of Energy, or read the criticisms flashed  
2 over the national media about that, you will know the  
3 Department of Energy waste management house is very far  
4 from in order. It's a really big mess. Al Alm forced  
5 to step down, unable to "herd," as he put it -- herd  
6 the chickens -- or herd the cats, I forget which.

7       I'm afraid that what is happening is that we  
8 are pushing into a technical realm, a kind of pseudo  
9 technical realm -- I'm an engineer, and would be a lot  
10 more comfortable if this were a little better defined.  
11 But it seems to me we are pushing into a technical  
12 realm decisions that are fundamentally political. By  
13 swallowing important political decisions in a kind of  
14 technocratic discourse, it places it beyond the reach  
15 of ordinary people who are then forced to try to come  
16 into this forum -- and many of them study the  
17 documents, you know, for hundreds of hours and become  
18 citizen experts, and other people are expressing their  
19 intuition, their common sense understanding. And I

20 think that's awfully important. Making a decision the  
21 province of an expert is a way of taking the political  
22 power away from a lot of people and placing it,  
23 generally, in the hands of people who have a material  
24 conflict of interest.

25       There's an excellent book which I would

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1 recommend to the people making decisions about WIPP  
2 called Normal Accidents by a Yale professor, who  
3 studied accidents in a number of industries and came to  
4 the conclusion that there was an irreducible minimal  
5 number of accidents in many cases that depended on  
6 sociological and institutional factors rather than  
7 technological factors. In the course of his  
8 investigation, he came to the conclusion that in many  
9 cases an expert could be defined as a person who had a  
10 propensity for asking the wrong questions.

11 I don't know, I haven't been following the  
12 polls or the newspapers on the subject very closely, I  
13 don't know whether a majority of New Mexicans would  
14 vote to open WIPP or not open WIPP, and I don't know  
15 whether that would be a good way to make a decision  
16 about it. I do feel that a decision that involves a  
17 permanent commitment of this kind shouldn't be foisted  
18 on a state or a region without substantial unanimity of  
19 opinion.

20           It's not okay for a narrow majority, or a  
21 minority under the guise of scientific analysis, to  
22 say, "This is the right thing to do. We know what is  
23 the right thing to do, and we are going to make you  
24 other people just swallow it." That doesn't really  
25 seem right, whether it's clothed in polysyllabic terms

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1 or whether it's just naked power.

2       You here at the Environmental Protection  
3 Agency -- and I don't really know where you're all  
4 from -- you are charged to make decisions. Whether you  
5 are sitting here, whether you are reading these remarks  
6 later -- I think mostly temps type these things up --  
7 but you are charged to make a decision based often on  
8 very narrow technical criteria, and it seems like  
9 breaking your charge to open the ambit of your thought  
10 to the wider questions. That's what I'd like for you  
11 to do. That's what I think is really important,  
12 because we very easily ask the wrong questions here.

13       I work on nuclear weapons issues. There is,  
14 as you may know, a renaissance in nuclear weapons  
15 funding, a renaissance in nuclear weapons activity.  
16 There is expected to be an enormous amount of waste  
17 generated from this. The budget, in real terms, for  
18 these activities is considerably higher than the Cold  
19 War average. That's in constant dollars. At the same

20 time, our colleagues and friends at the lab are seeking  
21 to maximize their funding envelope by bringing new  
22 missions, many of which are quite dirty, to Los Alamos,  
23 missions in demonstration mock fuel fabrication, and  
24 others that we are not completely sure of, that will  
25 generate transuranic waste.

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1           In many cases these missions aren't actually  
2 necessary. For example, the DOE's preferred  
3 alternative for dealing with the residues from Rocky  
4 Flats, their preferred alternative is the one which is  
5 most expensive, generates the most waste, and has the  
6 highest proliferation danger, but it does have the  
7 benefit of involving as many DOE sites in as many  
8 appropriations as possible.

9           I'm telling you that the feedstock into this  
10 thing has not been settled, and is being decided in an,  
11 unfortunately, undemocratic political process.

12           In the case of the weapons program, there has  
13 been a deal that the magnitude of the funding can be  
14 bumped up in order to forestall objections to the Test  
15 Ban Treaty, so Senator Domenici has worked something  
16 out with the White House where the funding through  
17 2010 will be \$60 billion. This is really high, and  
18 there's a lot of waste. And I would encourage you not  
19 to give a green light to all of these unnecessary

20 programs which entail risks, not just on the part of  
21 the program that you are looking at, but in many other  
22 parts down the line.

23       And there are very few opportunities for  
24 citizens to have any input into this process at all.  
25 This forum, as narrowly focused as it is, is one of the

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1 very few, so thank you for your attention, and, please,  
2 if you can, look at the very big picture, because when  
3 it gets all broken down into little bits, each little  
4 bit can look massively okay, almost white, maybe only a  
5 little bit of grey, but if you put all those filters  
6 one behind the other, you can't see through it.

7 Thank you.

8 MR. WILSON: Thank you.

9 I thought Mr. Mello raised a question about,  
10 to some extent, who we are on the panel. I think  
11 Ms. Pyle also did. Since some of you have come in  
12 since we opened tonight, I think it's fair to ask that.

13 I'm the -- my boss at EPA is the  
14 Administrator Carol Browner. I'm responsible for all  
15 the air and radiation programs within the agency.  
16 Larry Weinstock runs the office within EPA that is  
17 responsible for the radiation and indoor air programs.  
18 Frank Marcinowski and Mary Kruger are responsible for  
19 the radiation programs, including the WIPP project.

20 Keith Matthews is the attorney who works with us on  
21 these matters. We have a number of EPA technical  
22 staff, here as well.

23       You have for this week the decision makers,  
24 short of Carl Browner, who is obviously the one who  
25 will sign the final decision here, to hear your views

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1 and comments. We take this matter extremely seriously  
2 and are interested in getting all your views and  
3 comments. You may or may not agree -- it's pretty sure  
4 listening to all the comments that a fair number of  
5 people won't agree with the final decision, since the  
6 views are pretty split, but we are taking the time to  
7 be here all week, which maybe we should do more often,  
8 but is unique in the agency for issues like this,  
9 because we know it's a serious matter, and we know that  
10 a lot of people have differing views about it.

11       So it's fair -- I think we are sort of  
12 strangers in your community -- to ask who we are and  
13 why we are here.

14       Next is Alfred Fuller.

15       MR. FULLER: Good evening. My name is Al  
16 Fuller, and I live in Santa Fe. I am concerned about  
17 the fact that the Santa Fe bypass won't be complete in  
18 time and that WIPP may not be safe, but these are not  
19 my main concerns. My main concern is that if WIPP

20 opens, the producers of hazardous waste will have a  
21 place to store it, and they will keep producing more. I  
22 believe if we force them to leave it where it's  
23 produced, they will begin to worry about their own  
24 health and maybe stop producing.  
25       We know that Los Alamos plans to produce more

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1 plutonium pits and that they plan to ship plutonium  
2 from Rocky Flats to LANL, and I think we must stop this  
3 outrage.

4       Apparently, EPA refuses to divulge the names  
5 of those who evaluate the DOE Certification  
6 Application. It's my understanding that such  
7 information is required by law to be available to the  
8 public. I realize you are not here to answer  
9 questions, but I ask you to ask yourself that question:  
10 Why won't you reveal the names of those so that we can  
11 evaluate their competency?

12       We have heard a lot tonight about experts,  
13 engineering experts and scientific experts, and I'd  
14 like to remind you that the experts said that Bhopal,  
15 India was safe; they said that Three Mile Island was  
16 safe; they said that Love Canal was safe.

17       It appears to me that it depends on who you  
18 work for.

19       In conclusion, I'm strongly opposed to the

20 opening of WIPP because I don't want the producers of  
21 hazardous waste to have a place to put it. I want them  
22 to worry about their own health.

23 MR. WILSON: Thank you very much.

24 Next is F. Harper Brewer.

25 MR. BREWER: I am Harper F. Brewer.

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1 MR. WILSON: Sorry.

2 MR. BREWER: The "F" standing for Frankie.

3 MR. WILSON: We will make sure we get it  
4 right.

5 MR. BREWER: And I am a member the San  
6 Idllefonso tribe. I'm a Council member, and I'm very  
7 concerned. And as people say, they came from a long  
8 line of this, they came from a long line of that. I  
9 came from at long line of Native Americans, and I want  
10 to see that we still have a long line of Americans to  
11 come in the future.

12 I am really disturbed by all of this. I am  
13 disgusted because we have been deceived so often, for  
14 so long: From the beginning of time, when the  
15 Manhattan Project started, when the Atomic Energy  
16 Commission was first here, or when they were called  
17 DOE, before they started trying to change names to  
18 shirk responsibility. We were told that once that  
19 project was complete that our land would be returned to

20 us. This has never been done.

21        Los Alamos is on our reservation. Nobody  
22 ever asked us if they could make a dump out of it, much  
23 less to ship waste in from all over this here U.S. of A  
24 to dump it on our reservation.

25        I am tired of the deceit. When does it end?

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1 When do we get the truth? Why should concerned  
2 citizens for nuclear safety have to sue the Department  
3 of Energy to seek out the truth?

4 The criteria they speak of, where does that  
5 criteria come from? It didn't come from Native  
6 Americans. I don't see Native Americans on the panel  
7 here, either.

8 I'm very disappointed. I'm very upset. Deep  
9 down, I'm really, really frustrated, because you have  
10 no concern for the future of my people.

11 This WIPP site is no answer to anything.  
12 It's a test program. It doesn't answer the questions.  
13 It doesn't bring an end to the nuclear waste.

14 You have scientists, you have physicists, you  
15 have money to fund all kinds of nuclear projects. Why  
16 not fund scientists to study ways to get rid of the  
17 nuclear waste, to neutralize it? Maybe take it to  
18 D. C. and have them worry about it there. That way if  
19 it's not safe, we'll have either living or dead proof

20 there.

21 I'm really hurt. I'm really disgusted. I

22 don't trust what is going on. I don't trust what is

23 said here. I don't believe these people who say that

24 this waste is safe. To put it in a pit and cover it up

25 is not getting rid of the problem. All that's doing is

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1 camouflaging it so nobody will see it, nobody will  
2 notice it. It's still there, it's still dangerous,  
3 it's still waste. Nuclear waste. Deadly waste.  
4       Why, I ask you, would anyone want to have  
5 something like this right here in our backyard? Why is  
6 Los Alamos a dumping ground in New Mexico? Why weren't  
7 we asked for permission, rather than just having them  
8 do it because they are there?  
9       These are questions I would like to have  
10 answered. I would really like to know.  
11       I'm concerned for the future of my people, my  
12 fellow brothers up and down the Rio Grande. Unlike you  
13 people, who will go back to Washington or to other  
14 states, other cities around the world, you will go work  
15 there. Work there, fine. Your whole life is about  
16 money. My concern is the future of my future  
17 generations. When I go to visit my relatives, I don't  
18 go back across the States, I don't go to another state,  
19 I don't go across the great waters to an old country.

20 This is my old country.

21 A lot of things have been said to have been

22 secretive because of national security. All right.

23 What about my nation? What do you care about my

24 nation? Why have we been deceived? Why are we still

25 being deceived?

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1       My concern, like I said, is life. Money  
2 comes and money goes. Life is precious. I ask you to  
3 consider that, because that's where I really come from,  
4 that's what I'm all about. I want my children to grow  
5 up healthy and happy. We have cancers and stuff now  
6 that weren't around before Los Alamos came to be. I  
7 would like to have studies done on that. I would like  
8 to know why nothing has been done about that.

9       And those people of WIPP, in favor of WIPP,  
10 who hear me, who feel offended by what I say, I'm glad  
11 you feel that way. I hope you feel some guilt. I hope  
12 that this opens your eyes, opens your hearts, opens  
13 your minds to thinking about others, and let the  
14 almighty dollar alone. Go through your heart, not your  
15 wallet.

16       MR. WILSON: Thank you very much.

17       Next is Jose Villegas.

18       MR. VILLEGAS: Buena noches de le Dios.

19       My name is Jose Villegas, Mr. Wilson and

20 colleagues. For the record, my background is 13 years  
21 of law enforcement experience and emergency planning.

22 I'm here today to speak to two concerns. One  
23 is on emergency planning and the other is the struggle  
24 of my own culture, which is the Chicano culture.

25 On November 14, 1994, in San Francisco a

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1 young police officer by the name of Jim Gott (phonetic)  
2 was shot and killed by an individual who was heavily  
3 armed. It took 32 minutes of pure gunfire. This guy,  
4 this Victor Lien (phonetic) was shot two times in the  
5 head, headshots, six and eight times on the body. The  
6 reason why this guy survived, or this guy managed to do  
7 this for 32 minutes of pure gunfire is because he was  
8 wearing a bulletproof vest.

9       On December 21, 1997 in Dayton, Ohio, talks  
10 about the army weapons thefts continue on the  
11 investigation into stolen or missing weapons in 1995,  
12 1996. Where are these weapons, M-16's, assault rifles,  
13 one of them equipped with a grenade launcher, plastic  
14 explosives, TNT, dynamite, other explosives?

15       The government charges theft of an FBI van.  
16 Do you remember that one, July 7, 1997? Rifles,  
17 grenade launchers, ammunition, FMP-5, live grenade  
18 launchers, tear gas equipment, bulletproof vests with  
19 FBI insignia.

20 Nuclear arms stockpiles are vulnerable,  
21 nuclear weapons can be sabotaged. Talk about our  
22 federal labs can't even handle security. Six marines  
23 charged with stolen arms in Camp LeJeune.  
24 Is our City of Santa Fe Police Department  
25 ready to deal with a terrorist attack if they decide to

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1 attack one of these DOT vehicles? I don't think so.

2 I could get into the technical stuff, but I'm  
3 not going to. I'm just going to say that I am not a  
4 man of rhetoric, and frankly I'm not an opponent of the  
5 WIPP that generates nothing, and/or unfounded concerns  
6 with hot air, as Mark Miller, a health physicist from  
7 Albuquerque says in the Albuquerque Journal. What I  
8 want to say is I have reviewed hundreds of documents  
9 and analyses, both technical and sophisticated, and  
10 some, of course, that don't make any sense. It doesn't  
11 take a rocket scientist to figure out what the issue is  
12 all about. However, I strongly believe that the  
13 federal agencies, different federal agencies who are  
14 supposed to be experts in the area of radioactive  
15 material have no idea what environmental racism is,  
16 what kind of impact it has done to our Chicano and  
17 Mexicano communities.

18 Let me give you a definition.

19 As the Reverend Benjamin Chavez Jr. says:

20 Environmental racism is racial discrimination in  
21 environmental policy making and enforcement of  
22 regulations and laws that deliberately target  
23 communities of color for toxic waste facilities,  
24 and the history of excluding people of color from  
25 leadership of the environmental movement.

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1           What does it mean on the federal, state, and  
2 local level? It means I place the blame for  
3 discriminatory waste siting and traveling on  
4 St. Francis Drive on the federal, state, especially our  
5 incompetent Governor, and the governing body of the  
6 City of Santa Fe for approving an ordinance that would  
7 allow nuclear waste to be transported on St. Francis  
8 Drive in the early hours when people are sleeping.

9           So when when the City Councilor talked about  
10 the ordinance they passed, it's really a shameful  
11 thing. Not only do I blame the Governor, I also  
12 believe and support the criticisms that were made by  
13 the hundreds of Chicanos and Chicanas throughout the  
14 501 years of Chicano history of "mainstream" thinking  
15 for being dominated by white, middle-class men, and for  
16 embodying their values that are foreign to people of  
17 color.

18           Is this a true statement and reflection of  
19 the Chicano/Mexicano point of view in New Mexico and

20 the Southwest? Well, I challenge each one of you to go  
21 ask a Chicano/Mexicano anywhere in the Southwest,  
22 specifically Northern New Mexico, about what happened  
23 to the government's promise to abide by the Treaty of  
24 Guadalupe Hidalgo, addressing the stolen land-grant  
25 issues, developer takeover, and the water rights, the

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1 English-only movement attempting to alienate our mother  
2 tongue, and constant anti-Mexican bashing that invades  
3 this so-called "Land of the free."

4       You are wondering if these social/race issues  
5 I am addressing to you today have nothing to do with  
6 WIPP. Well, let me just say you don't know Northern  
7 New Mexico and its history of struggle with its people.  
8 We are not Carlsbad or Los Alamos.

9       In conclusion, it appears my statements are  
10 primarily focused on lines of social, racial, and  
11 ethnic concerns which relate to WIPP. And you're  
12 right. However, I don't trust the government, and I  
13 have no faith it will act on my concerns or any  
14 minority concern related to WIPP; therefore, it would  
15 behoove this EPA panel to reconsider the idea of  
16 prohibiting the opening of WIPP and transporting these  
17 dangerous radioactive materials in our low-income and  
18 minority populations, which is the barrios along  
19 St. Francis Drive, until our input is heard.

20 I ask you today: When is the last time an  
21 EPA, DOE, LANL, Carlsbad official, et cetera, et  
22 cetera, made a personal visit to one of our Chicano or  
23 Mexicano homes along St. Francis Drive, especially in  
24 the heart of the barrio? Does the DOE, EPA, LANL  
25 Carlsbad, et cetera, understand what a barrio is? If

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1 you do, tell me now.

2       So please, I ask you to open up a serious  
3 dialogue with the Chicano/Mexicano people in Santa Fe.  
4 I am sure after this meeting you will conclude my  
5 concerns have no merit due to national security, and  
6 eventually define your own parameters and dismiss these  
7 concerns altogether; however, environmental racism is  
8 what I call it, and what are you going to do about it?  
9 for Santa Fe? How are you going to ensure that  
10 minority communities in the Southwest, especially in  
11 Santa Fe, are going to have a fair, legal, and  
12 equitable say on what impacts our communities or our  
13 neighborhoods which relate to WIPP?

14       Is this a done deal? I don't think so.  
15 Regardless of what federal law says or do, one thing  
16 the government cannot do with me is censor me. It is  
17 called "puder," the will. No army can defeat it.

18       So it's not over, it's just beginning.

19       MR. WILSON: Okay.

20 Amy Sollman.

21 MS. SOLLMAN: A-may.

22 It's really sad to say I've been coming to  
23 these stupid hearings for 20 years, and now I'm of  
24 child-bearing age.

25 I'm an apprenticed midwife in the area, I

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1 have been for a couple of years, and I'm deeply  
2 concerned about my ability to bring into the world a  
3 very healthy, properly formed baby, having been exposed  
4 to so much radiation in this area.

5       And I -- you know, there's a lot of -- I see  
6 a lot of stuff happening in this area with women of  
7 child-bearing age, and it concerns me a lot about the  
8 babies being born and what is to come.

9       It's hard for me to picture the future, to  
10 WIPP and the radioactivity rolling by my home in the  
11 middle of the night, and possible accidents, very  
12 likely accidents. So it's really hard for me to have a  
13 lot of hope if WIPP goes through about having a family,  
14 especially in this area.

15       Where do you go?

16       I have something I would like to read into  
17 the record, written by my mother who has been bringing  
18 me to these hearings since I was just a little girl.  
19 She is taking care of my grandma, so she can't be here.

20 By Suchi Sollman.  
21 (Reading) "The question of WIPP has already  
22 cost us \$2.5 billion as the feds pour tax dollars  
23 down a hole in the ground near Carlsbad hoping to  
24 entomb its nuclear garbage in the wet saltbeds.  
25 Uninterested in the public's health and safety,

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1 the Department of Energy orbits itself, ignoring  
2 the cries of citizens. The project won't work.  
3 Waste will ultimately ooze into the Pecos River  
4 and down the Rio to the Gulf. Underground salt  
5 water will eventually corrode the metal drums,  
6 creating a lethal soup headed for the croplands of  
7 the Southwest.

8 "DOE shows little concern that the WIPP site  
9 is impossible to seal off, there being no way to  
10 cement over the every-shifting salty rooms,  
11 refusing to acknowledge responsibility, and  
12 creating the worst of all possible threats to  
13 human life. The Department wants to take a dump  
14 in New Mexico. The nuclear chicken is coming home  
15 to roost where it all began.

16 "WIPP has been scheduled to open six times  
17 since 1986. The evidence is piling up that this  
18 year's attempt (in May) is serious -- roads being  
19 repaired, a two-lane bypass around Santa Fe could

20 be finally completed, the City Council voted to  
21 allow waste shipments on St. Francis Drive Monday  
22 through Friday, 1:00 to 5:00 a.m. The State  
23 Environmental Department is due to give the nod  
24 next.  
25 "Standing in a realist's shoes, one is led

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1 to conclude that WIPP will open this year unless a  
2 court decision stops it. This is not far-fetched,  
3 since New Mexico Attorney General Tom Udall and  
4 citizen groups obtained a court order against its  
5 opening in 1991 because federal laws hadn't been  
6 complied with. This time the EPA gave approval  
7 before the Environmental Impact Statement was  
8 ready, a profound jumping the gun, and the basis  
9 for another lawsuit.

10 "If WIPP opens, it's certain it will never  
11 close. While tunnels are ready to receive  
12 radioactive debris from years of bomb building, 75  
13 percent of the waste slated for WIPP hasn't yet  
14 been made. The project extends the nuclear  
15 nightmare far into our future, enabling nuclear  
16 planners to keep planning, and production to  
17 continue. If all roads lead to Carlsbad, as the  
18 DOE contends, then 21 states will feel the impact  
19 over the next 35 years, nearly 1,000 shipments a

20 year, with the likelihood of numerous accidents  
21 occurring.  
22 Canisters surrounding the site haven't been  
23 tested for" --  
24 Wait a minute.  
25 -- "haven't been tested for fires at high

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1    enough temperatures. Once released into the air  
2    plutonium powder is easy to inhale, and it will be  
3    aboard many of the trucks. Radioactives stick  
4    around for hundreds of years (strontium and  
5    cesium), and  
6    forever, such as plutonium, bombarding us with  
7    invisible, odorless, overcharged ions. Even  
8    without an accident, traveling next to a truck  
9    loaded with the very hottest waste could expose us  
10   to deadly gamma rays.

11        "One wonders where the DOE's head is,  
12   gambling with these odds, when it could quietly  
13   tuck its tail under its hindquarters and sit on it  
14   for another hundred years. Waste can stay where  
15   it's at for now. Moving it down the highway will  
16   wake up a lot of folks to the reality of WIPP.  
17   What will happen to the quiet majority when  
18   nuclear waste starts flying around? This is risky  
19   politics.

20 "Since the bombs exploded in Hiroshima and  
21 Nagasaki, we've all been challenged to confront  
22 its overkill and the concentrated assault on the  
23 environment. The longer we postpone this  
24 confrontation, the more misery we will pile on  
25 ourselves. Putting the nuclear genie back in the

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1     bottle is our task, just as the centuries-old Hopi  
2     prophecy rock images it, we're confronting a fork  
3     in the road drawn as a Y. If we go right, we come  
4     to a ground of ashes. Staying left, we follow our  
5     ancestors' way of healing.

6         "EPA hearings on WIPP are scheduled in  
7     Santa Fe, January 8 and 9. It's important to  
8     attend and speak out so that the community we  
9     create together can take a giant step on the path  
10    of peace. Remember, it's the West, and we're not  
11    WIPPed yet."

12        MR. WILSON: Thank you.

13        Next is Elizabeth West.

14        MS. WEST: Hello. My name is Elizabeth West.  
15    You have pronounced it correctly. I live in Santa Fe,  
16    and I grew up in Boston, and I have lots of friends in  
17    Washington.

18        I don't really want to repeat lots of things  
19    that have been said this evening and earlier times, but

20 I'd like to underline all the things that -- I'm sure

21 you can guess what I am going to underline.

22 I am also opposed to opening WIPP.

23 Before I say one other thing, I would want to

24 ask each one of you, just because I am presented with

25 this opportunity, which I feel lucky to have in this

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1 country. I'd like to ask each one of you individually:  
 2 Have you made up your mind already about this decision  
 3 in relation to WIPP?

4 MS. KRUGER: No.

5 MR. WILSON: No.

6 MS. WEST: Because I think that's really  
 7 important. That helps our assumption that we are  
 8 working in a trustworthy environment.

9 I mean, naturally, you know, we have been  
 10 lied to or we've lied to each other, so we all know  
 11 that sometimes we can't prove that something might be  
 12 wrong, but we can feel that something might be wrong.  
 13 That isn't really going to work in a court of law.

14 MR. WILSON: Ma'am, I don't want to take your  
 15 time, so we will give you plenty of time, but it's a  
 16 fair question you raise, and I just want to make sure  
 17 everybody understands the situation.

18 We have made a proposal at this point, so we  
 19 took the record up to, you know, last October. We

20 believed that with some conditions that we imposed, the  
21 DOE operating plans for WIPP would meet our radiation  
22 standards. We made that proposal, but we are still  
23 open-minded, and we are out here this week, and we will  
24 be reading all the comments we get -- you know, looking  
25 for people to point out things we missed, or mistakes

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1 that they feel we made in our analysis.

2       We have made some proposals, and we have laid  
3 out all the rationale for that proposal, and we are now  
4 looking for people to comment on it and point out to us  
5 problems they see. We will consider all that before we  
6 make the final decision.

7       It was an opportune time to explain the  
8 process for some who may not know, and I thank you.

9       Go ahead.

10       MS. WEST: Thank you. That was very  
11 courteous of you.

12       I got to visit WIPP some time ago, and it was  
13 really fun. It was like going to Disney Land. We went  
14 down the elevators, and everybody treated us very well,  
15 and I have on my mantle at home this wonderful round  
16 object of -- "goody," I guess, from a borehole. You  
17 can lick it and it tastes like salt.

18       A friend of mine recently was saying, "You  
19 don't want me to lick that, Elizabeth." I'm going to

20 get radioactive exposure.

21 I said, "No, no. This is okay. This was  
22 okay. This came out before anything was put in."

23 And I thought to myself: Well, maybe there  
24 are a lot of people who really don't know, as I don't  
25 know, whether it is going to be safe, as I believe you

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1 all don't know, as I believe many, many people don't  
2 know.

3       So we are guessing, I think we would have to  
4 agree. We have to guess. We are going to do our  
5 guess, you are going to do your best guess.

6       And I'm not happy with guessing right now.

7       One last thing I was going to tell you, just  
8 in case you get to thinking that, well, maybe we should  
9 postpone this again, at the very least, perhaps even  
10 reconsider it altogether -- which is not a bad thing to  
11 do, and I want to propose to you that's not impossible.

12       When something gets rolling -- Say you decide  
13 to get married. And you get the dress, get the outfit,  
14 you call all your friends -- they have flown in from  
15 Paris or Espanola -- and it's all ready. You've even  
16 gotten your Jewish friends and your Black friends and  
17 your Hispanic friends and your mother to agree with the  
18 ex-husband -- you know, it gets complicated. It's a  
19 lot like transporting waste. You make a commitment,

20 even though you haven't decided to exchange the rings,  
21 or whatever your little thing is. You know.  
22 And I think it actually is possible to not go  
23 through with the wedding, because although it's  
24 embarrassing, it actually potentially is, incredibly,  
25 No. 1, enlightening, and, No. 2, a gift to the world.

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1 Many of us feel locally a reaction to this, but

2 actually we are part of a global community.

3 I read recently we are going to be able to

4 send some people to the moon -- maybe because there is

5 water there. But I want to propose it would be okay to

6 reconsider it and say no. I hope you will at least

7 think that way.

8 Thank you very much.

9 MR. WILSON: Next is Dr. Stanley Logan.

10 DR. LOGAN: My name is Stanley E. Logan. I

11 have a PhD degree in Nuclear Engineering and more than

12 48 years of engineering experience.

13 What is my background for presenting

14 comments? I have studied the WIPP site since 1972.

15 That's 26 years. This goes back to the time when it

16 was called the Los Madanos site, considered for

17 high-level radioactive waste, several years prior to

18 its designation, instead, for disposal of transuranic

19 wastes. I directed several studies employing a model

20 repository for high-level waste at the WIPP site as a  
21 means of examining various possible options. One of  
22 these studies completed at the University of New Mexico  
23 in 1978 was sponsored by the EPA and developed the  
24 first computerized Performance Assessment modality for  
25 nuclear waste repositories.

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1 Continuing with studies of WIPP, I modeled  
2 boreholes drilled into containers of the  
3 contact-handled waste, remote-handled waste, and  
4 boreholes down into possible pressurized brine  
5 reservoirs below the Salado Formation. I reviewed DOE  
6 nuclear criticality scenarios for potential releases.  
7 Much of this work was as a consultant to the New Mexico  
8 Environment Evaluation Group.

9 None of the results indicated more than  
10 insignificant consequences to workers or members of the  
11 general public.

12 Self-funded research I completed in 1992  
13 demonstrated that preemptive releases from a brine  
14 reservoir through drilling and pumping would provide  
15 remediation if an intrusion scenario into the brine  
16 reservoir developed as a barrier to compliance.

17 Review of the EPA Proposed Rule published in  
18 the Federal Register shows that the EPA carefully  
19 evaluated the enormous and extremely detailed CCA and

20 found section by section that DOE complies. The EPA  
21 required additional analysis and information from DOE  
22 where needed, and the EPA conducted independent tests  
23 and simulations. The EPA carefully considered comments  
24 from the public, and provided responses.

25       No amount of additional analysis or testing

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1 would satisfy WIPP critics. I believe many of the  
2 critics are less concerned with safe disposal of TRU  
3 waste than they are with preventing solutions to  
4 nuclear waste problems in general. Their goal appears  
5 to be to delay WIPP for a long enough time, and cause a  
6 sufficient increase in costs, to discourage any and all  
7 future applications of nuclear science.

8       An overall observation to be noted: For the  
9 past 10 or so years the nature of TRU waste has not  
10 changed, except for some radioactive decay, the  
11 underground design has not changed, the basic waste  
12 certification, handling, transportation has not  
13 changed, geological and hydrological processes have not  
14 changed. The WIPP was safe then, and it's safe now.  
15 What has happened is there has been seemingly endless  
16 administrative and procedural activity. There has been  
17 an ever increasing attention to details in simulation  
18 modeling. Most of the activity has dealt with  
19 procedures, documentation, record-keeping, validation

20 of data and computer codes, and QA.

21 I strongly suspect that the total volume of

22 paper generated in recent years greatly exceeds the

23 volume of waste to eventually be placed underground.

24 This kind of reflects a comment by someone else on the

25 other side of the question.

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1        My observation is what has happened in recent  
2 years has not changed the safety of WIPP. What it has  
3 done is confirm the safety and provide assurances to  
4 the public. I believe that QA programs which are in  
5 place at the generator sites are consistent with  
6 Part 194, and that the Waste Acceptance Criteria are  
7 sufficiently specific for protection. I urge the EPA  
8 to avoid imposing further complicating and unnecessary  
9 procedural conditions on QA in the final rule.

10       I have prepared this statement and am  
11 presenting it today on my own time, as I have for many  
12 previous EPA and DOE public hearings. I derive no  
13 income from WIPP-related work. I believe it is time to  
14 stop frightening our citizens with untrue  
15 misrepresentations, junk science, and emotional  
16 theatrics by the antinuclear community, issue the  
17 certification that WIPP will comply with EPA standards,  
18 begin to move waste into the WIPP, and get on with  
19 reaping the societal benefits nuclear science has to

20 offer.

21 Thank you.

22 MR. WILSON: Next is Parrish Staples.

23 MR. STAPLES: My name is Parrish Staples. I

24 would like to say for over 50 years nuclear waste has

25 been accumulating within the DOE complexes across our

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1 country. This waste has been stored in a variety of  
2 configurations and locations. The possibility for  
3 public contact with this waste must certainly be  
4 reduced by storage underground.

5 Let me give one example of TRU waste in our  
6 everyday lives to make a point.

7 It can be stated that a cesium-based smoke  
8 detector is also TRU, transuranic waste material, by  
9 the definition of WIPP waste. This is the same smoke  
10 detector that is not just driving past our homes but  
11 probably sleeps with us every night.

12 Now, let's not be mistaken. I'm very glad my  
13 two children are protected by the smoke detector in the  
14 bedroom; however, are we concerned citizens for nuclear  
15 safety of the State of New Mexico ensuring that this  
16 material does not end up in our local landfills,  
17 landfills that are not designed to handle these  
18 substances? Because there is little or no oversight  
19 for our neighbors, these same neighbors that throw

20 their used motor oil down the drain, hazardous  
21 chemicals in the garbage, or other trash along the  
22 roadway.

23 In closing, my family and I would like to say  
24 to representatives of the EPA: Thank you for the work  
25 that you are doing to solve another one of our

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1 environmental problems.

2 Thank you.

3 MR. WILSON: Thank you.

4 Todd Rockefeller. Is Todd Rockefeller here?

5 (Note: No response.)

6 Next is Jean Nichols.

7 MS. NICHOLS: Thank you.

8 I don't really know what to say. I had

9 prepared a statement, but after all the testimony

10 tonight, you know, a lot of it has been said.

11 And it also seems there is a lot of

12 statistics on both sides, so I wonder why in this whole

13 long process we haven't gotten scientists from both

14 sides of the question to sit down in a room together

15 and perhaps work out some of the stuff. Obviously, you

16 can take studies and manipulate them in any way.

17 I feel we have been coming here for 10 or 20

18 years -- first it was to DOE, but now to the EPA --

19 testifying. And as far as the people against WIPP,

20 everyone has said do not transport waste, and yet never  
21 in any of the stacks -- and I have received stacks back  
22 of information from the EPA or the DOE -- never is  
23 there any indication that all of our ideas and our  
24 suggestions about leaving waste on site -- I haven't  
25 seen any studies saying how much that would cost or

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1 whether it was even considered.

2       It seems that our testimonies are only taken  
3 as a way to look at how to get around this and change  
4 the regulations, or somehow, you know, come back and  
5 figure it out in a different way so that you can  
6 continue to keep WIPP on track.

7       It seems like the DOE has really been doing  
8 their homework, because most of the Native Americans  
9 that have spoken, with the exception of Harper, feel  
10 like this is going to solve the whole LANL question.  
11 And, obviously, it isn't. LANL has got, you know, so  
12 much waste, we need to really look at that. I'd like  
13 the EPA to look at LANL. And, you know, if TRUpact  
14 containers are safe, then how many TRUpact containers  
15 do we need to put all the waste in, and leave it at  
16 the sites that are already contaminated? Does anybody  
17 know that?

18       Certainly, it would cost less than all the  
19 transportation costs put together.

20 I just saw a map of the country with all  
21 these routes coming down to Carlsbad. It seems like a  
22 scenario for people either trying to, you know,  
23 hijack the trucks, or all the accidents. The fact  
24 that it's going to now be allowed down St. Francis  
25 Drive only between midnight and 6:00 a. m. doesn't make

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1 me feel like it's any safer. That is when the worst  
2 DWI accidents happen. You know, it seems to me you  
3 can't have it both ways. You know, if you are going to  
4 allow lax DWI laws, then you can't have nuclear waste  
5 on the highways.

6 I feel like all of our life we have been a  
7 medical experiment in radiation, how the human body  
8 handles radiation. Today is the anniversary of my  
9 dad's birthday. He just died of bone cancer. I know  
10 hundreds of people have died of one thing or another,  
11 we can't prove it came from radiation, but you can't  
12 prove that it doesn't.

13 You know, I understand that the radiation in  
14 the northern hemisphere is 1,000 times that of the  
15 southern hemisphere. We are an experiment.

16 If that is the case, and you want to continue  
17 with this nuclear obsession, then pay for everybody's  
18 health care. It would certainly be a lot less than the  
19 four trillion dollars that we've spent on this defense

20 industry.

21 I feel like that it's not even just a medical  
22 experiment, it's a psychological experiment. The  
23 reason you don't have more people coming here and  
24 testifying against WIPP is that people do not want to  
25 think about it. You call us the lunatic fringe. I

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1 have been driven crazy by this. I am, you know, truly  
2 on the point of insanity from even having to think  
3 about this. It would be one thing if it was for  
4 medical nuclear, or even for jet propulsion to get into  
5 space. You know, that I can understand. I commend the  
6 scientists, you know, for trying to explore other  
7 worlds. That's all right. You know, that's human  
8 nature to want to explore. But making weapons of mass  
9 destruction is just not okay, you know, especially now  
10 in the '90s. It's not okay.

11 I wonder why we keep coming back here to  
12 testify when it doesn't seem that our testimonies are  
13 taken seriously, they are just logged in, and you are  
14 saying, "Okay. We allowed public comment."

15 You know, if we can spend, you know, \$29  
16 billion each year on nuclear weapons, you know, why  
17 can't we spend some of it on health care and on some of  
18 the other things that we need?

19 You know, we keep coming back. How do we

20 keep from feeling hopeless about this? You know, I  
21 guess the only way is to try to turn it around so that  
22 we feel hopeful. And I don't know. We come back  
23 because we feel like it's our duty, just as, you know,  
24 maybe you feel it's your duty. Only I suspect you are  
25 being paid to be here, and none of us are being paid to

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1 come here. I suspect that some people in this room

2 were.

3 But we come here with all of our heartfelt

4 feelings, and all it is, is it goes into this box with

5 our names that we have given testimony, but never do I

6 see anything come back saying, "Hey, we looked at this,

7 and we decided if you put it all in the TRUpact

8 containers and leave it on site, it would cost too

9 much." I haven't seen any of that showing that

10 happened.

11 Perhaps we do it for our children and their

12 children so they don't ask later, "Why didn't somebody

13 question this nuclear obsession?"

14 With so much money and momentum working for

15 the opening of WIPP, how do we make you realize, you

16 know, that it's not a safe thing? I know we are

17 fighting for common sense, and sanity, and the survival

18 of the species. Doesn't everyone want that? You know,

19 we would think so.

20       We want to envision peace as the accepted  
21 norm, so we would like to envision that the defense  
22 industry has to come here and plead and testify to us  
23 for permission to transport nuclear waste. This would  
24 be good. And when that happens, we will try to be as  
25 fair and impartial as you've been with us, and we will

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1 try to take the testimony just as seriously as you have  
2 taken ours, weighing all the facts to determine if  
3 nuclear waste is worth the risk.

4       We will continue to try to keep an unsafe  
5 WIPP from opening, because it's bad science,  
6 environmental racism, dirty politics, and an insult to  
7 the spirit of this beautiful land, and what it's really  
8 about is warfare.

9       I heard I was going to be last speaking, so I  
10 brought a little lullaby.

11       I'll only have time, probably, for a moment.

12       (Note: Bob Dillan tape played.)

13       MS. NICHOLS: Thank you.

14       MR. WILSON: Thank you.

15       We have a number of other people who have  
16 asked to speak. Let me just check on a couple who were  
17 here earlier.

18       Richard Palosi.

19       (Note: No response.)

20 Dr. C. Glendenning.  
21 (Note: No response.)  
22 Todd Rockefeller.  
23 (Note: No response.)  
24 Is Jay Shelton here?  
25 MR. SHELTON: Yes.

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1       MR. WILSON: Okay.

2       MR. SHELTON: Thank you. It's been a long  
3 wait. That's the way these things go.

4       I'm Jay Shelton. I'm a high school science  
5 teacher, PhD, physicist by training. This is my third  
6 vocation, and I love teaching high school science.

7       I look at this problem, inevitably, having  
8 been trained as a scientist, in a quantitative way. I  
9 have been for 20 years following this project, as many  
10 of us have, and what's always had me and puzzled me, or  
11 had been my questions, is to find the catastrophe which  
12 would be consistent with the very, very deep fear as we  
13 have seen tonight.

14       Being technically trained, what I have done  
15 is read a lot of technical reports to find out where is  
16 this great disaster, which, in fact, would justify our  
17 fear.

18       I'm more interested in actual health hazards  
19 and possible deaths than I am with compliance with

20 technicalities in terms of regulations, so I focus on  
21 actually what would happen "if..."  
22 I will talk about one specific example. I've  
23 looked at a lot of them. For awhile I was focusing on  
24 the transportation issue, and was satisfied by all I  
25 read, and talking to the EEG scientists and engineers,

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1 that isn't much of a hazard. It's unlikely there would  
2 be much chance for any human death.

3       The site itself, it seems to me, is the most  
4 potentially critical thing. What if it does fail?

5       The presumption, clearly, among the people  
6 who testified tonight is any failure anywhere in the  
7 system is a catastrophe. To me, it's got to be more  
8 than one chance in a million someone is going to die.  
9 It's a thousand people dying.

10       So I want look for the catastrophe.

11       Specifically, the study I am talking about is  
12 EEG 32, where the water comes to the Rustler aquifer,  
13 moves to the Pecos, people drink the water, and what  
14 happened. I think if that happens, at that point we  
15 have to say: Well, what if it does fail? Also, how  
16 bad is it?

17       I am not an expert, I'm just reporting what I  
18 read. It is that the 50-year committed dose from a  
19 year of drinking two liters a day -- you probably know

20 what the details are: 4.7 millirems. That is a  
21 radiation dose which is one 100th of what typical Santa  
22 Fe residents get from natural background. A little  
23 more than that. It's the kind of dose that someone  
24 living in Los Angeles visiting Santa Fe would get in a  
25 week. Utterly trivial. No health consequences

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1 downstream; i.e., it's not that catastrophe I was

2 looking for.

3       There's others I looked into, but since I'm

4 short on time, I will not go into them.

5       These predictions, of course, were full of

6 assumptions. We were not going -- we are going to do

7 the experiment, perhaps, but in terms of anticipating

8 it, we have to make predictions. And yes there are a

9 tremendous number of assumptions, and all of very

10 uncertainties.

11       What makes me pretty confident there's no

12 catastrophe? When you have a number so low, even worst

13 case you still don't have a radiation dose where people

14 drink the water directly which results in detectable

15 health consequences.

16       Overall, I have not found a disaster.

17       I have tried to understand how we come to

18 this place where so many people feel there is a

19 terrible disaster lurking, where, as far as I can tell,

20 there's not a study done that says there is a disaster

21 out there waiting.

22 I think the primary issue is a

23 misunderstanding about how toxic plutonium is.

24 Plutonium is very toxic, and, as a nation, we have been

25 so careful of it that there hasn't been much problem

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1 yet concerning it.

2 I will give a few examples which I think may  
3 put in perspective something about the toxicity of  
4 plutonium.

5 Roughly, as I understand it, again -- I'm  
6 going to say these out loud. These are going to be  
7 controversial. I am looking for feedback. I am an  
8 educator. For one thing, that means I am a learner.  
9 If I am wrong, I want to be informed. I ask you and  
10 everyone in the audience to give the specific  
11 information.

12 I understand that 10,000 pounds of plutonium,  
13 give or take a factor of two, has already been released  
14 into the environment, primarily through weapons tests.

15 Has there been an observed consequence of  
16 health for people in the world? No. Not expected to  
17 be, based on animal experiments.

18 The test at the WIPP site the same, on a  
19 magnitude, I think, on a factor two larger.

20        Every time we eat a meal on average it's  
21 like, you know, we can consume a million atoms of  
22 plutonium due to that release. Every adult body, on  
23 average, has in the order of one billion plutonium  
24 atoms, down from a hundred billion shortly after the  
25 atmospheric testing. And I believe there's no health

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1 consequences. A billion atoms is a big number, but the  
2 radiation dose that results is absolutely microscopic.

3       It's vital to think quantitatively. The  
4 numbers can sound big, but the health consequences,  
5 none. Roughly 99 percent of what any animal ingests  
6 gets excreted, unlike some other radionuclides which  
7 can get concentrated.

8       Here is the one I'd most like feedback on.  
9 It's my understanding in the Western world, Soviet  
10 Union, we don't have information -- in the Western  
11 World it's my understanding that the total number of  
12 deaths due to the toxicity of plutonium, radiological  
13 and chemical, is somewhere between zero and one, and  
14 that one is one of the fellows up at Los Alamos, which  
15 is not -- you know, who died of cancer. That is not  
16 unknown without the plutonium, but with plutonium more  
17 likely.

18       The dose matters. When you ingest plutonium,  
19 the toxicity is roughly comparable to that of Vitamins

20 D and caffeine to the equal quantities. I'm not saying  
21 it's not dangerous, but just not the most dangerous  
22 thing in the world.  
23 I think that is the problem in terms of, you  
24 know, public perception. The root cause I think is the  
25 media chooses to put out stories which sell newspapers,

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1 which are scary stories, which make the public scared.

2       The other problem that I think is a serious  
3 problem, in the quality of science education.

4       I'd like to just read one last paragraph or  
5 describe it.

6       We had a debate at our school a few years ago  
7 where we invited a WIPP representative and somebody  
8 that represented a group against WIPP. We had a  
9 debate. The last question asked was:

10       The public outcry about WIPP suggests there  
11 must be a potential catastrophe with thousands of  
12 deaths at risk. Do you know of any impact studies  
13 that say potential catastrophe? If not, why are  
14 you against it?

15       He replied, "No, I am not aware of any  
16 studies, I just don't like plutonium."

17       Well, I don't like plutonium either, but most  
18 taxpayers ask for more than personal likes and dislikes  
19 when billions of dollars are at stake. This is a

20 technical and quantitative issue, and the decision  
21 about the safety needs to be made based on these  
22 issues. Fear-based decisions will result in billions  
23 of dollars being spent to prevent imaginary hazards,  
24 and a lack of money to spend on hazards that kill  
25 thousands of people will be a consequence. I don't

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1 think that is humane to spend money where there aren't

2 risks and not spend where there are --

3 AUDIENCE MEMBER: We are grossly --

4 MR. WILSON: Ma'am --

5 AUDIENCE MEMBER: We are grossly contaminated

6 in the State of New Mexico and downwind of Los Alamos,

7 and people are dying of cancers left and right. Yes,

8 plutonium is very dangerous.

9 MR. WILSON: Ma'am. Ma'am.

10 MR. SHELTON: 22. Which the answer --

11 MR. WILSON: It's not going to work if

12 everybody interrupts.

13 AUDIENCE MEMBER: He wanted an answer. He

14 said plutonium is not dangerous.

15 MR. WILSON: Excuse me. We will take a

16 five-minute break. We have been up here for awhile.

17 We need a restroom break.

18 MR. MATTHEWS: Excuse me. I have a question.

19 Could you identify the EEG report you referenced there?

20 MR. SHELTON: Yes. 32.

21 MR. MATTHEWS: Just for the record. I'm sure

22 it's in the docket.

23 (Note: A short recess was taken.)

24 MR. WILSON: Okay. I want to do a quick

25 check on who's here.

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1 Is Richard Polasi here?

2 (Note: No response.)

3 Doctor C. Glendenning?

4 (Note: No response.)

5 Todd Rockefeller?

6 (Note: No response.)

7 Okay. Val Lucero?

8 (Note: No response.)

9 Scott Thomas?

10 (Note: No response.)

11 Tracy Hughes? Okay.

12 MS. HUGHES: Hi. Thank you for taking some

13 additional people. My name is Tracy Hughes. I'm a

14 resident of Santa Fe. I have a Bachelor of Science

15 degree, and also a law degree. I've worked for over

16 ten years in the field of environmental law, and

17 primarily in the public sector. Additionally, I worked

18 over eight years for the New Mexico Environment

19 Department, and during that time I was general counsel

20 for NMED, and during that time we settled an  
21 Administrative Order against DOE for the largest  
22 penalty that this state has collected.

23       The violations in that Administrative Order  
24 were for -- primarily, for improper storage of mixed  
25 waste at Los Alamos National Laboratory. That waste

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1 was and is WIPP-bound waste.

2       Rather than a DOE project that bilks the  
3 defense industry and pours money into war-oriented  
4 production, WIPP, I think, is an environmental  
5 solution. Here, finally, DOE is looking for solutions  
6 to the problems they have created over the years. WIPP  
7 is one step by DOE in the right direction. WIPP is a  
8 proper repository for radioactive mixed waste.

9       I'm not suggesting WIPP be allowed to open  
10 because it is better disposal than the current  
11 temporary storage facilities. It should be approved  
12 because it complies with state and federal laws. The  
13 EPA criteria that WIPP must meet includes protection of  
14 human health and the environment for 10,000 years. The  
15 modeling shows that salt deposits 2,000 feet below  
16 ground in the formation is protective.

17       Testing DOE's modeling is required, and  
18 public scrutiny is important. Groups such as EEG, the  
19 EPA, NMED, are doing just that.

20        This is a project that has been and is being  
21 analyzed, but for once DOE is proposing a project that  
22 is solution oriented and not problem creating.

23        Thank you.

24        MR. WILSON: Thank you.

25        Ray Armenta?

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1 (Note: No response.)

2 Looks like Jai Lakshman.

3 MR. LAKSHMAN: Good evening Keith, Mary,

4 Richard, Larry, and Frank. My first name is J-a-i,

5 last name L-a-k-s-h-m-a-n.

6 I wanted to greet you and say good evening to

7 you because I don't think your names have been spoken,

8 and I think difficult as it is for me to be here, based

9 upon 20 years, as well as continuously showing up I am

10 attempting to continually recognize that there's people

11 here. And you are sitting there and we are seated

12 here, and there's people with differing views.

13 I am unhappy to report to you that after 20

14 years of doing this and being a part of this so-called

15 process, my faith has really dwindled in what the

16 process is about. That's not to say I have a lack of

17 faith as you in individuals, it's the process in its

18 entirety, and it's how the process is designed.

19 My background is in public health, and also

20 in philanthropy and how the two of those things work  
21 together. I work in different parts of the world, as  
22 well as this country, in seeing that hospitals and  
23 health care is provided to people in need; it ranges  
24 from Indian reservations here in this country to places  
25 like Mexico, Guatemala, Bhopal and India. So I believe

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1 in terms of public health and safety we share that

2 concern and principle.

3       What this process has done for me is such

4 that when I arrived here tonight, I wasn't sure I could

5 even testify, because I didn't know what I could say,

6 what could possibly make a difference to your universe

7 and this collective universe here, because I think it

8 has all been said. And I think if anybody has the

9 longevity to read the public record over the last 20

10 years, they would see we keep having the same

11 discussion or discord about this issue. Yet I take

12 resolve and faith from something a mentor of mine,

13 Mahatma Ghandi, said, which is: Although what you do

14 may seem insignificant, it's very important that you do

15 it.

16       So I come to you tonight in that spirit.

17       This process, as I understand it, is about

18 your Certification, and your approval for DOE's

19 compliance of something that is being characterized as

20 having, in your definition, a lifespan of 10,000 years,  
21 330 generations.

22 I don't think I've heard that many times  
23 tonight, just what it is exactly we are talking about.

24 This country is slightly more than 200 years  
25 old. I don't need to give you a history lesson. The

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1 A-bomb, Los Alamos, 50 years ago. So we are talking  
2 about an order of magnitude far beyond any of us can  
3 predict, even with the best science.

4 During these 20 years of hearings, which have  
5 been in effect driven by DOE -- you are here because of  
6 the DOE, I'm here because of the DOE and their approach  
7 to this issue, the creation of the issue and what to do  
8 about it. We are both here for that reason.

9 During the 20 years I want to share with you  
10 some of the things that I have learned.

11 I'll characterize them in words.

12 DEIS, EIS, SEIS, FEIS, NEPA, EPA, RECRA,  
13 FLPMA, TRU waste, TRUpact, and RODS.

14 Okay. There are some of you here who may  
15 not -- I believe all you know what I am talking about.  
16 It's the Draft Environmental Impact Statement, the  
17 Environmental Impact Statement, the Supplemental  
18 Environmental Impact Statement, the Final Environmental  
19 Impact statement, the National Environmental Policy

20 Act, which I believe is the law which requires us to be  
21 here and for me to have the opportunity to meet you,  
22 HEPA, a filtering process about nuclear discharge,  
23 RECRA, the Resource Recovery and Reclamations Act,  
24 FLPMA, the Federal Land Policy Management Act.  
25       Why have I come to know these words over 20

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1 years? I'm not a scientist. I'm a citizen. I'm  
2 concerned. I may differ from a lot of the people in  
3 this  
4 room this evening that you heard about. I'm a resident  
5 here, a resident for 22 years. I love this place.  
6 It's my home. But I so strongly believe that this is  
7 not a local issue. It certainly has local  
8 implications, and everywhere that any part of the  
9 nuclear process is, it is a local issue, and there are  
10 local concerns, but you well know, and I well know that  
11 this is a national issue with very complex implication  
12 for the whole, entire nuclear generating process and  
13 industry.

14       So I say that to you, because ten years ago  
15 right up the street here, when I first became actively  
16 involved in this issue, based upon having spoken to  
17 scientists, based upon having spoken with the  
18 scientists at EEG, based upon going to Washington,  
19 sitting in hearings, I realized there's no way I could

20 ever really know the truth about whether this would  
21 work or not work, whether it's safe or is not safe, but  
22 that there was so much disagreement about whether it  
23 was and whether it could or would, that something was  
24 wrong. And something was either wrong with it, or,  
25 more importantly, and more accessibly to me and what I

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1 can abide, something is wrong with the process.  
2 Something is wrong with the process about how we get to  
3 agree and disagree, how we get to know, and so on.  
4 I would ask you -- You said your  
5 recommendation has already been made, so I assume that  
6 you're here to, as you said, learn new information to  
7 see whether you need to make amendments or actually  
8 change your decision. I would ask you, with all  
9 respect, whether in the history of these hearings,  
10 whether in the history of the NEPA process, whether in  
11 the history of the DOE and EPA hearings, how many times  
12 hearing testimony like mine and those here tonight  
13 altered the final decision.  
14 I saw the red light going on. I believe  
15 I have 10 minutes as an organization. So I hope that  
16 is true.  
17 So I would really question the process. And  
18 I would say that if I'm sitting in your seat and having  
19 a decision of this magnitude and just at this time,

20 here all day and listen to this -- I watched you for  
21 six hours trying to see how well you are able to  
22 listen, not to criticize you, just have human interest  
23 of how human beings in your position, trying to assess  
24 what's going on here, how well you can hear my heart,  
25 how well you can hear what I heard, and how well you

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1 can hear scientific information. It's a very difficult  
2 process you are up against.

3 But I would suggest in the spirit of process  
4 and information sharing, coming to agreement about  
5 this, why isn't it discussed before the recommendation?  
6 Why isn't the effort and the energy spent by the EPA or  
7 whoever has a say in this to create the kind of  
8 dialogue -- rather than for us to sit here as a  
9 community and find out we are not only in disagreement  
10 about this issue but we are in disagreement about an  
11 uneven sharing of the facts, an uneven sharing of  
12 what's actually going on here?

13 I want to share with you that 10 years ago  
14 when I first got involved in the issue, I stood out in  
15 the intersection just a few blocks from here and held  
16 up a placard that said: Imagine a nuclear accident  
17 here.

18 I didn't do this to be cute, I did this  
19 because I have concern about this issue. I felt

20 something was gravely wrong, and I wanted to know, as a  
21 member of this community, if anybody else thought the  
22 same way I did. Okay.

23 The response from that was terrific, beyond  
24 anything that I imagined, because I didn't imagine  
25 anything other than: Are we concerned about this

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1 issue? Are we going to have it happen?

2       Subsequently what happened was EIS, the  
3 hearings, and the lawsuits you are hearing of that the  
4 State of Texas and the Attorney General of New Mexico  
5 and environmental groups and concerned citizens, and so  
6 on.

7       But I want to confess something to you I have  
8 never said to anyone in public. What I learned ten  
9 years ago was that the only way that this particular  
10 community would really get involved in questioning  
11 whether WIPP was right was to turn it into a local  
12 issue. I was guilty of doing that myself by talking to  
13 the fears and concerns that people had where it hits  
14 them the most: At home.

15       Okay. I knew that, and used that as a  
16 tactical approach to creating the dialogue.

17       Okay. I bring that up not out of any great  
18 spirit to confess anything, but clearly to say what I  
19 have heard here tonight from people ranging from the

20 surrounding areas of La Bajada, Cochiti, the Pueblos,  
21 et cetera, is this dire urgency about waste at Los  
22 Alamos that is negatively impacting them, that WIPP is  
23 going to be the solution of.  
24 I would submit to you, and I believe you all  
25 know this, that aside from in its 30-year entirety WIPP

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1 being able to receive less than 1 percent of the  
2 nation's nuclear waste, defense-related nuclear waste  
3 inventory, WIPP, even if no more nuclear waste were to  
4 be generated at Los Alamos starting right now would  
5 only receive 4 percent of the Los Alamos total  
6 inventory, only receive less than 2 percent of the  
7 remote-handled, the hottest waste. And, on top of  
8 that, we are being told by the Department of Energy  
9 that WIPP's lifespan of 30 years, 60 percent of the  
10 waste that is going to WIPP will be newly generated  
11 waste, not the waste we are talking about.

12       So what are we talking about here, and who is  
13 talking to the people in the communities and the  
14 pueblos to say, "Oh, we were bad people. We are the  
15 DOE. We screwed up, and now this is the solution."

16       I would submit to you, and with all respect,  
17 because I know people that work in Los Alamos and work  
18 with the DOE and I have respect for a lot of these  
19 people, they are human beings, and I want to try to

20 keep it at that level, but I would submit to you that  
21 if the DOE could be embodied in a person, this person  
22 would be up a criminal charges, given their history,  
23 given what's going on.  
24       So we are being told by the DOE that you will  
25 sign off on something that they are going to monitor

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1 and be accountable for themselves. And if I read your  
2 plan correctly, your monitoring happens not on a daily  
3 basis, it happens on a yearly or tri-yearly basis, if I  
4 am correct. And they have to walk away?

5 I believe there is terrible misinformation,  
6 confusion about the issue. And what I learned here  
7 tonight is that in all these years, in all this  
8 dialogue, all this politicking, all this whatever, the  
9 issue still isn't clearly understood, clearly  
10 understood enough so that the people and the scientists  
11 and the politicians and you all who are acting,  
12 supposedly, on the public's behalf can come together  
13 and really understand it.

14 I take responsibility for the problem. I  
15 love this country, I love this land. I have a father  
16 who believes dropping the bomb on Hiroshima was the  
17 appropriate thing to do. I may not agree, but I  
18 respect the view, because that person is my father and  
19 that person is a person.

20       We all have to take responsibility for the  
21 problem, but we can't if we don't have the dialogue.  
22       in terms of the dialogue, I appreciate how  
23 long you have been sitting here -- I tried to stop in  
24 Albuquerque. It's immense what you are trying to do.  
25 But you are flying in a few days after a recommendation

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1 has been made. Allow the process to be a real process.  
2 Allow it to be a healing process, if I can venture to  
3 say that, where everyone, or as many people as possible  
4 could be convinced as to what the issue is and what can  
5 be done about it.

6       It's a national problem.

7       Lastly, I just want to say in terms of the  
8 people, and there aren't very many from the surrounding  
9 communities, there was a fellow here earlier that said,  
10 that works at the labs and handles plutonium, and said,  
11 quote, "It's not that bad a stuff. It's just gloves  
12 and booties."

13       I would submit to you all if that is the  
14 issue, then what is the rush of that stuff to get it  
15 out of here? And is that truly the stuff that is  
16 threatening the people on Cochiti Lake, and so on, and  
17 around the nation?

18       Secondly, I found Stanley Logan's, who is the  
19 nuclear physicist, comments interesting, saying that,

20 you know, "In the last ten years nothing has changed."

21 I think that's the clue to you all that I

22 want to share with you. In the past 10 years or 20

23 years, it seems to me nothing has changed, and if

24 nothing has changed, what we are saying is the U. S.

25 District Courts, the Attorneys General of the States of

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1 Texas and New Mexico, your own EPA, the environmental  
2 evaluation groups, everything they have resisted or  
3 rejected about WIPP's soundness, they are part of the  
4 fringe group as well, nothing has changed.

5 And we need to change the way we look at it.

6 Thank you very much. Have a good night.

7 MR. WILSON: Rita Johnston. Is she here?

8 (Note: No response.)

9 Doris Fields?

10 (Note: No response.)

11 Jean Wheeler.

12 MS. WHEELER: Hi. My name is Jean Wheeler.

13 I spoke last year at the hearings.

14 My background is as an artist, basically.

15 I'm also a honor's graduate of an Ivy League school,  
16 and I have to say I learned a lot about how the ways of  
17 the world really work, as opposed to the way ideally I  
18 thought it did, according to my feelings about life and  
19 the planet.

20           The reason I'm in New Mexico is because about  
21 three and a half years ago I had trouble kind of seeing  
22 my future in front of me, and I was very scared. I  
23 just -- I'm used to kind of feeling time in front of  
24 me, and I couldn't see or feel anything. And I learned  
25 in May that they were doing nuclear testings in

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1 Polynesia -- I was living in Hawaii at the time, so it  
2 was quite close to me -- and I came here, because I  
3 knew somebody who worked in the nuclear activist field,  
4 and I wanted to know more about it.

5       That is how I got concerned about WIPP.

6       I can only say that, you know, my background  
7 is in science. I feel I am reasonably intelligent, and  
8 I've looked at a lot of the documents and so forth, but  
9 after a while it's like -- I realize facts or so-called  
10 facts, anything can be manipulated in any way to make  
11 somebody's point, and after a while I just feel I have  
12 to close my eyes, to go to intuition.

13       Something just feels wrong here, in addition  
14 to any facts I might have read to point that out.

15       And I teach a lot of children in this whole  
16 Northern/Central New Mexico region. I'm a ski  
17 instructor. I teach hundreds of kids a week. And, you  
18 know, I'm sure most people are aware that most children  
19 don't have the immuno system or strength that adults

20 might have, and I would only say that a lot of these  
21 children are incredibly beautiful spirits, and I think  
22 if you could see them -- I don't have children myself,  
23 but I feel almost everyone I teach is my child. And I  
24 think if you could see them, you would want to give  
25 them a bright future. And I'm talking about kids that

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1 help each other all the time, whether they be Native  
2 American or Hispanic or White or whatever. You know,  
3 they come from all over the country and settle here.  
4 And I would only ask you to, please, you know, if you  
5 can't think of your futures and your children's futures  
6 and however else they might want to move around the  
7 planet anywhere and have a safe planet, whether here or  
8 in Mexico, where possible fluids could end up, just to  
9 please at least search inside about that, and try to  
10 make a decision thinking of all the beautiful people  
11 that are out there in the future.

12       Okay. Thank you.

13       MR. WILSON: Sara Cohen. Is she here?

14       (Note: No response.)

15       Cohen I think it is. Conan?

16       (Note: No response.)

17       Jeff Burke. Is Jeff Burke here?

18       (Note: No response.)

19       Keith Mackintosh?

20 MR. MACKINTOSH: Here.

21 MR. WILSON: Okay.

22 MR. MACKINTOSH: My name is Keith Mackintosh,

23 and I also have attended a couple of other of these

24 hearings.

25 I don't have a lot to add to what people have

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1 said tonight. I do want to echo a few things, and one  
2 is that the -- I think there's a lot of fear  
3 surrounding radioactivity in general, and I think  
4 perhaps that comes from the fact there's been a lot of  
5 secrecy around it since its inception, and people have  
6 told the public that things are being taken care of in  
7 a very safe way, and then we find out later that --  
8 well, you know, there are open pools of things at  
9 Hanford Reservation, and there's Rocky Flats is kind of  
10 a mess. And so I think that maybe there could be more  
11 dialogue on that level of just, "Yeah, these are  
12 mistakes we made, and we are not going to make those  
13 mistakes any more because we know why we did that and  
14 we are not going to do that any more."

15       The other thing is I kind of react to the  
16 mayor -- I saw a letter to the editor in the local  
17 paper from the Mayor of Espanola, and it kind of went  
18 in the same category as things I've read about -- you  
19 know, like the Governor of Colorado made a statement

20 recently saying WIPP should be opened quickly. This  
21 stuff is like a hot potato. Everybody wants to get rid  
22 of it and put it somewhere.

23       So I think you guys have a tough job.

24 There's a tremendous amount of momentum behind the  
25 project already. Making sure it's done right and

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1 safely in some other way than already has been  
2 programmed out would be difficult at this point. But  
3 in this letter what I reacted to was the words the  
4 Mayor of Espanola said. "Well, this is good science  
5 and it should be -- we should just go ahead and do it."

6 I just think that the term "good science" is  
7 kind of one that I have heard a lot at hearings, and I  
8 don't think that -- I mean, science is basically  
9 forming hypotheses and then they become provisional  
10 truths until we learn more, and then are not true any  
11 more. I don't think science is really predictive in  
12 the sense we are talking about, you know, over a  
13 10,000-year period. I think we are talking a big  
14 experimental leap here. And it seems like people are  
15 doing it in a well-considered way, but, you know, they  
16 didn't choose somewhere next to San Francisco or  
17 somewhere next to New York City, probably because there  
18 is an element of risk to it.

19 And I just want to urge everyone to consider

20 all of the various things that surround this, and not  
21 just the pressure that has certainly built up from  
22 industry and the various elements of the nuclear  
23 industry that would like to have a place to put their  
24 garbage, basically.

25       So that is all I have to say.

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1 MR. WILSON: Okay. Thank you.

2 Is Don Smith here?

3 MR. SMITH: Good evening. My name is Don

4 Smith.

5 There were some very, I think, important

6 things have been said. I've been coming to the WIPP

7 hearings since '88, '89. I had a lot of thought

8 tonight about things. One thing I wanted to mention to

9 the EPA. It says, "EPA protecting your health and

10 environment."

11 What I would like to find out is how you good

12 people define good health and environment, because I am

13 in the health field. I'm an osteopath. I see a lot of

14 people who are well, who are half well or partly well,

15 and who are very ill.

16 I don't know who puts this together for you.

17 I have no complaints in regard to you good

18 people having probably good hearts and good minds, and

19 maybe instead of thinking from our minds we could

20 include our hearts and who we are.

21           What is man? What are we as a human family?

22 Are we in the Anadago (phonetic) nation, which is part

23 of the Iroquois? And in six nations of the Native

24 Americans, we are accountable for seven generations yet

25 to be born, and really in some of their literature we

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1 are also, in turn, actually accountable for the next 21  
2 generations.

3 Now, WIPP is considered to be an infallible  
4 and very determined and scientifically balanced and  
5 legitimate project. We are expending -- I don't have  
6 the figures in front of me, because I just found out  
7 about the hearing so I didn't have a lot of time for  
8 preparation to bring a lot of the statistical data that  
9 I did in '89 and '92, et cetera.

10 If we, as a human family, wish to proceed, I  
11 think, in some way with sanity -- we can already see  
12 the effects of bad food. Drugs have exceeded -- just  
13 in the last ten years, our crop industry has been  
14 greatly affected by the depreciation of soils. Our  
15 water is greatly depleted, our air is greatly depleted.

16 There are a number of things I could present  
17 to you tonight. They don't find B12 in commercially  
18 grown beets any more.

19 I'm trying to keep focused here, not

20 sidetrack, but there's so much involved here.

21       Here you are going to put a product, a

22 byproduct of our effort to so-called save the country,

23 and that is producing nuclear weapons. When do we stop

24 and sit back and think: Why are we doing this? Why

25 are we making chemicals that we know are detrimental to

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1 human self?

2 I did a study for Los Alamos Laboratories  
3 back in 1987, and I studied 256 deadly chemicals from  
4 butane to trichloromethane. 256. Many of them had not  
5 been listed by OSHA as being detrimental to human  
6 health at that time.

7 Now, we are just talking about chemical  
8 waste. Chemical ingredients we have compounded  
9 together to make plastics, to produce cleaners. Black  
10 benzene is an example. Now we are involved in this  
11 tremendously complex society. We are producing these  
12 incredible byproducts of what we call Western  
13 Civilization. We have this kind of, I think, urge to  
14 diminish and to attack nature, and yet we ourselves are  
15 these principles embodied in nature. The way our blood  
16 flows, the way our neurons fire, all these things come  
17 into play as a living creature in physical form.

18 So who are we? What are we trying to  
19 accomplish here?

20 I am neither for nor against WIPP, but I am  
21 finding that our -- just as Larry said, our process of  
22 how we go about the dialogue.  
23 You are up here behind the table, I'm out  
24 here as a public citizen. You will forget about me,  
25 who knows, in two weeks. My talk here will be

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1 absolutely of no relevance to the real underpinnings,  
2 as you see them, because of a pile of literature your  
3 people probably have to read and take home and have  
4 headaches about, and take aspirin or Tylenol or Advil--  
5 which are hard on your kidneys, by the way.

6       So where do we go with regard to how we can  
7 correct this tremendous illusion we have created that  
8 we are creating a healthy environment and a healthy  
9 human society where it's not?

10       We have more crime now. All you have to do  
11 is pick up the paper -- especially in Washington D. C.  
12 So you're going to go back there, because you don't  
13 live here, you don't even know who half the people are,  
14 how we exist or co-exist here. It's very unfortunate.  
15 I'm unfortunate because I don't live back in your  
16 town -- not that I would want to. Maybe you don't want  
17 to live here, because it's sunny and sandy and deserty.  
18 We have lizards, rattlesnakes, et cetera. You people  
19 don't have that back there. You use the sidewalks.

20           So we have this impression that we have to  
21 the modernize nature. So you come to Carlsbad, dig a  
22 hole down there, and say, "We are going to put this  
23 stuff there, because we don't want it back on the  
24 Potomac River."

25           I know I have a short time here.

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1       The point I am trying to make is all of us  
2 are going to have to search our souls and hearts. We  
3 will have to pay for what we consume in some manner or  
4 way. None of us will escape these principles of how  
5 this universe operates. And it operates very, very  
6 exactly.

7       Mr. Fuller, 10 and 1/2 years ago, one of the  
8 statements he said is: Humanity is coming through a  
9 group womb of permitted ignorance. Beyond that  
10 humanity, if we survive, nature is not going to  
11 tolerate any more of our nonsense. Unquote.

12       Now, he wrote several papers. One was called  
13 Earth Incorporated. How to totally abolish any  
14 further use of nuclear materials.

15       We are on this tiny thing called the Space  
16 Ship Earth, 8,000 miles in diameter. If you were to  
17 take a 12-inch globe and blow it up and use it in ratio  
18 to the actual dimension of the planet (sic) and breathe  
19 on it, your breath would be 100 times deeper than the

20 trench or the actual size of this planet. That is how  
21 fragile it is.

22       It's been Western society that's polluted the  
23 planet, so obviously we are going to have to pay for  
24 our misdeeds here, our misinformation.

25       This country was based on honesty, I thought.

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1 I don't believe way down deep inside anybody here is  
2 really dishonest, but I think what happens is we get  
3 caught up in the machinery of the politics,  
4 beaurocracy, and how we are taught to lie, how we're  
5 taught to be dishonest.

6       And where do we draw the line of our own, not  
7 only personal integrity but our integrity to our fellow  
8 human beings? Do we have a representative of the  
9 people by the people for the people? Can you really  
10 say that honestly to us, to yourselves, and to  
11 generations yet to come?

12       No.

13       We have to look at those things first before  
14 we talk about WIPP.

15       The information -- Why are we being so  
16 secretive? Because we have got something to hide.  
17 Because we know there is an element that is not true in  
18 our conscience, in our hearts.

19       And none of us are separate. We are all

20 somehow connected. All of us. I don't care if you

21 live in Tasmania --

22 MR. WILSON: Your time is well up. If you

23 can conclude.

24 MR. SMITH: My closing statement is this:

25 There have been a lot of good people who have talked

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1 tonight about this, and apparently you people have  
2 already made decisions about this. I will make a quote  
3 from Nostradamus: Those who fabricate the fireball  
4 shall perish and burn in it. The Lords of tumult are  
5 to perish in their own disasters.

6 Thank you.

7 MR. WILSON: Thank you.

8 This concludes the list of people I had who  
9 wanted to testify. Is there anybody here who wants.  
10 to speak tonight? We will be here again at 9:00  
11 o'clock tomorrow morning and for most of the day.

12 Thank you all for coming.

13 (Note: Proceedings adjourned at 10:45 p.m.)

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1 STATE OF NEW MEXICO )

2 :SS

3 COUNTY OF TAOS )

4 REPORTER'S CERTIFICATE

5 I, MARY THERESE MACFARLANE, do hereby certify

6 that I am a duly licensed Certified Court Reporter for

7 the State of New Mexico; that on the date of January 8,

8 1998, I reported the hearings before the Environmental

9 Protection Agency held in Santa Fe, New Mexico from the

10 hours of 7:00 p.m. through 10:45 p.m., and that the

11 foregoing transcript, consisting of pages 1 through

12 138, inclusive, was prepared from my stenographic notes

13 of said hearing, and is a full, true and correct

14 transcript of the testimony given at said hearing,

15 prepared by me to the best of my ability.

16 Dated at Taos, New Mexico, this 12th day of

17 January, 1998.

18

19

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Mary Therese Macfarlane  
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